Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas As Engrossed: \$3/19/09 \$3/31/09	
2	87th General Assembly A Bill	
3	Regular Session, 2009 SENATE BILL	779
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5	By: Senator P. Malone	
6	By: Representative D. Hutchinson	
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9	For An Act To Be Entitled	
10	AN ACT TO AMEND THE LAW REGARDING THE	
11	AVAILABILITY OF RECORDS OF CHILDREN'S ADVOCACY	
12	CENTERS; AND FOR OTHER PURPOSES.	
13		
14	Subtitle	
15	TO AMEND THE LAW REGARDING THE	
16	AVAILABILITY OF RECORDS OF CHILDREN'S	
17	ADVOCACY CENTERS.	
18		
19		
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
21		
22	20-78-106. Availability of records of children's advocacy centers.	_
23	(a) Reports, correspondence, memoranda, case histories, medica	.1
24	records, or other materials compiled or gathered by children's advocacy	
25	centers performing the services described in § 20-78-105 shall be	
26	confidential and shall not be released or otherwise made available except:	
27	(1) Medical records may be released to the attorney represent	ing
28	the abused child in a custody or juvenile case;	
29	(2) For any audit or similar activity conducted with the	
30	administration of any plan or program by any governmental agency which is	
31	authorized by law to conduct the audit or activity;	.1
32	(3) To law enforcement agencies, a prosecuting attorney, or t	ne
33	Attorney General;	
34 35	(4) To any licensing or registering authority to the extent	
35	necessary to carry out its official responsibilities, but the information	
36	shall be maintained as confidential;	

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2 (A) Information in the record is necessary for the determination of a civil, criminal, or administrative issue before the court 3 4 or grand jury; and 5 (B) The information cannot be obtained from a person or 6 entity described in subdivision (b)(2) of this section; 7 (6) To the Department of Human Services; 8 (7) To a court-appointed special advocate volunteer with a valid 9 court order; 10 (8) All records may be released to an attorney in any criminal, 11 civil, or administrative proceeding or to a party in a criminal, civil, or 12 administrative proceeding if the party is not represented by an attorney as permitted under criminal, civil, or administrative discovery rules upon a 13 14 finding by the court that: 15 (A) Information in the record is necessary for the 16 determination of a criminal, civil, or administrative issue before a court or 17 grand jury; and 18 (B) The information cannot be obtained from a person or 19 entity described in subdivision (b)(2) of this section; and 20 (9) Medical records may be released to a person providing 21 medical or psychiatric care or services to the abused child. 22 (b)(1) Except as provided in subdivision (b)(2) of this section, no 23 person or agency to whom disclosure is made may disclose to any other person 24 reports or other information obtained under this section. 25 (2) Law enforcement agencies, a prosecuting attorney, the 26 department, a court of competent jurisdiction, or the Attorney General may 27 release reports or information obtained under this section. However, any 28 report or information released under this subsection shall remain 29 confidential. 30 (c)(1) Nothing in this section shall deny or diminish the right of an attorney for a party or a party to a criminal, civil, or administrative 31 32 proceeding to receive discovery as provided in this section in order for the 33 attorney or party to: 34 (1)(A) Prepare for trial; 35 (2)(B) File appropriate pleadings; or (3)(C) Present evidence in court. 36

(5) To a grand jury or court upon a finding that:

1	(d) A disclosure of information in violation of this section is a
2	Class C misdemeanor.
3	(2)(A) The circuit court shall issue protective orders under the
4	Arkansas Rules of Criminal Procedure or Arkansas Rules of Civil Procedure, as
5	applicable, to ensure that those items of evidence for which there is a
6	reasonable expectation of privacy are not distributed to persons or
7	institutions without a legitimate interest in the evidence and otherwise
8	should be sealed. There is a reasonable expectation of privacy in the
9	following items:
10	(i) Audio or videotapes of a child witness;
11	(ii) Photographs of a child witness;
12	(iii) Name of child victim; and
13	(iv) Medical records of child victim.
14	(B) The administrative hearing officer or administrative
15	law judge shall issue protective orders to ensure that those items of
16	evidence for which there is a reasonable expectation of privacy are not
17	distributed to persons or institutions without a legitimate interest in the
18	evidence and otherwise should be sealed. There is a reasonable expectation
19	of privacy in the following items:
20	(i) Audio or videotapes of a child witness;
21	(ii) Photographs of a child witness;
22	(iii) Name of child victim; and
23	(iv) Medical records of child victim.
24	(C)(i) The circuit court may enforce the orders with
25	criminal or civil contempt or sanctions, as appropriate.
26	(ii) The circuit court may modify or vacate a
27	protective order for good cause.
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29	/s/ P. Malone
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