

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: H3/3/15*

# A Bill

HOUSE BILL 1322

5 By: Representatives Boyd, Love  
6

## For An Act To Be Entitled

8 AN ACT REQUIRING THAT CERTAIN JUVENILES FIRST BE  
9 CONVICTED OR FOUND DELINQUENT BEFORE A LAW  
10 ENFORCEMENT AGENCY MAY TAKE HIS OR HER FINGERPRINTS;  
11 AND FOR OTHER PURPOSES.  
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## Subtitle

14 REQUIRING THAT CERTAIN JUVENILES FIRST BE  
15 CONVICTED OR FOUND DELINQUENT BEFORE A  
16 LAW ENFORCEMENT AGENCY MAY TAKE HIS OR  
17 HER FINGERPRINTS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 *SECTION 1. Arkansas Code § 9-27-309(j), concerning records of*  
24 *delinquency adjudications, is amended to read as follows:*

25 *(j) Records of the arrest of a juvenile, the detention of a juvenile,*  
26 *and the proceedings under this subchapter shall be confidential and shall not*  
27 *be subject to disclosure under the Freedom of Information Act of 1967, § 25-*  
28 *19-101 et seq., unless:*

29 *(1) Authorized by a written order of the juvenile division of*  
30 *circuit court; ~~or~~*

31 *(2) The arrest or the proceedings under this subchapter result*  
32 *in the juvenile's being formally charged in the criminal division of circuit*  
33 *court for a felony; or*

34 *(3) As allowed under this section or § 9-27-320.*  
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36 *SECTION 2. Arkansas Code § 9-27-320 is amended to read as follows:*



1           9-27-320. *Fingerprinting or photographing.*

2           (a)(1) *When a juvenile is arrested for any offense that if committed by*  
3 *an adult would constitute a Class Y, Class A, or Class B felony ~~or a Class A~~*  
4 *~~misdemeanor in which violence or the use of a weapon was involved~~, the*  
5 *juvenile shall be photographed and fingerprinted by the law enforcement*  
6 *agency.*

7           (2) *In the case of an allegation of delinquency, a juvenile shall*  
8 *not be photographed or fingerprinted under this subchapter by any law*  
9 *enforcement agency unless he or she has been taken into custody for the*  
10 *commission of an offense that, if committed by an adult, would constitute a*  
11 *Class Y, Class A, or Class B felony ~~or a Class A misdemeanor in which~~*  
12 *~~violence or the use of a weapon was involved~~.*

13           (b)(1) *Copies of a juvenile's fingerprints and photographs shall be*  
14 *made available only to other law enforcement agencies, the Arkansas Crime*  
15 *Information Center, prosecuting attorneys, and the juvenile division of*  
16 *circuit court.*

17           (2) *Photographs and fingerprints of juveniles adjudicated*  
18 *delinquent for offenses for which they could have been tried as adults shall*  
19 *be made available to prosecuting attorneys and circuit courts for use at*  
20 *sentencing in subsequent adult criminal proceedings against those same*  
21 *individuals.*

22           (3)(A) *When a juvenile departs without authorization from a youth*  
23 *services center or other facility operated by the Division of Youth Services*  
24 *of the Department of Human Services for the care of delinquent juveniles, if*  
25 *at the time of departure the juvenile is committed or detained for an offense*  
26 *for which the juvenile could have been tried as an adult, the Director of the*  
27 *Division of Youth Services of the Department of Human Services shall release*  
28 *to the general public the name, age, and description of the juvenile and any*  
29 *other pertinent information the Director of the Division of Youth Services of*  
30 *the Department of Human Services deems necessary to aid in the apprehension*  
31 *of the juvenile and to safeguard the public welfare.*

32           (B) *When a juvenile departs without authorization from the*  
33 *Arkansas State Hospital, if at the time of departure the juvenile is*  
34 *committed as a result of an acquittal on the grounds of mental disease or*  
35 *defect for an offense for which the juvenile could have been tried as an*  
36 *adult, the Director of the Division of Behavioral Health of the Department of*

1 Human Services shall release to the general public the name, age, and  
2 description of the juvenile and any other pertinent information the director  
3 deems necessary to aid in the apprehension of the juvenile and to safeguard  
4 the public welfare.

5 (C) When a juvenile departs without authorization from a  
6 local juvenile detention facility, if at the time of departure the juvenile  
7 is committed or detained for an offense for which the juvenile could have  
8 been tried as an adult, the director of the juvenile detention facility shall  
9 release to the general public the name, age, and description of the juvenile  
10 and any other pertinent information the director deems necessary to aid in  
11 the apprehension of the juvenile and to safeguard the public welfare.

12 (c) Each law enforcement agency in the state shall keep a separate file  
13 of photographs and fingerprints, it being the intention that the photographs  
14 and fingerprints of juveniles not be kept in the same file with those of  
15 adults.

16 (d) When a juvenile is adjudicated delinquent for a felony or class A  
17 misdemeanor:

18 (1) The arresting law enforcement agency shall ensure that the  
19 fingerprints and photograph of the juvenile have been properly taken and  
20 submitted; and

21 (2) The court shall submit the adjudicated delinquent  
22 information to the center.

23 ~~(d) However, in any case in which~~

24 (e) If the juvenile is found not to have committed the alleged  
25 delinquent act, the circuit court may order any a law enforcement agency to  
26 return all pictures and fingerprints to the circuit court and shall order the  
27 law enforcement agency that took the juvenile into custody to mark the arrest  
28 record with the notation "found not to have committed the alleged offense".

29 (f) If the juvenile is found not to have committed the alleged  
30 delinquent act, the court shall submit that information to the center.

31 (g) The center shall create a form to be used for the reporting of  
32 juvenile information.

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34 /s/Boyd  
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