Stricken language would be deleted from and underlined language would be added to present law.

1	State of Arkansas
2	93rd General Assembly A Bill
3	Regular Session, 2021 SENATE BILL 346
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5	By: Senators Rapert, Irvin, B. Johnson, K. Hammer, D. Wallace, J. English, Gilmore, M. Johnson, Hickey
6	By: Representatives Beck, Bentley, Slape, Christiansen, Hollowell, C. Cooper, Tosh, Gazaway, Rye,
7	Maddox, M. McElroy, Dalby, Evans, Watson, Wooten, Vaught
8	
9	For An Act To Be Entitled
10	AN ACT TO AMEND THE LAW CONCERNING THE USE OF AUDIO
11	MEDIA, VISUAL MEDIA, AND AUDIOVISUAL MEDIA BY LAW
12	ENFORCEMENT AGENCIES, DISPATCH CENTERS, PUBLIC SAFETY
13	ANSWERING POINTS, JAILS, AND DETENTION CENTERS; AND
14	FOR OTHER PURPOSES.
15	
16	
17	Subtitle
18	CONCERNING THE USE OF AUDIO MEDIA, VISUAL
19	MEDIA, AND AUDIOVISUAL MEDIA BY LAW
20	ENFORCEMENT AGENCIES, DISPATCH CENTERS,
21	PUBLIC SAFETY ANSWERING POINTS, JAILS,
22	AND DETENTION CENTERS.
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25	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27	SECTION 1. Arkansas Code § 13-4-403 is amended to read as follows:
28	13-4-403. Criminal investigation documentation — Definition.
29	(a) As used in this section, "criminal investigation documentation"
30	includes without limitation:
31	(1) Incident or offense reports;
32	(2) Arrest warrant records;
33	(3) Search warrant records; and
34	(4) Investigative case files, including:
35	(A) Photographs;
36	(B) Lab reports; and

1 (C) Audiovisual Audio media, visual media, and audiovisual media. 2 3 (b) Criminal investigation documentation shall be retained for the 4 following periods of time: 5 (1) If the criminal investigation documentation is associated 6 with a Class Y or Class A felony, it shall be retained for at least thirty 7 (30) years; 8 (2) If the <u>criminal investigation</u> documentation is associated 9 with a non-Class Y felony, it shall be retained for at least ten (10) years; 10 (3) If the criminal investigation documentation is associated 11 with a misdemeanor or violation, it shall be retained for at least five (5) 12 three (3) years; and 13 (4) If the criminal investigation documentation relates to a 14 civil matter or other noncriminal matter, it shall be retained for at least 15 three (3) years; and 16 (5) If the criminal investigation documentation is associated 17 with a use of force by law enforcement, law enforcement complaints, or 18 administrative proceedings, it shall be retained for at least three (3) 19 years. 20 (c) Except as otherwise provided under subsection (b) of this section, audio media, visual media, and audiovisual media shall be retained for at 21 22 least thirty (30) days. 23 (e)(d) Criminal investigation documentation may be disposed of by the 24 order of the county judge upon recommendation of the county sheriff after the 25 period of time dictated by subsection (b) of this section. 26 27 SECTION 2. Arkansas Code § 14-14-111, concerning county government 28 electronic records, is amended to add an additional subsection to read as 29 follows: (d)(l) It is the intent of the General Assembly to encourage the use 30 of audio media, visual media, and audiovisual media by local law enforcement 31 32 agencies and detention centers. (2) A contract between an electronic record provider and a 33 34 county concerning audio media, visual media, or audiovisual media for the

or audiovisual media be maintained as provided under § 13-4-403.

county law enforcement agencies shall provide that audio media, visual media,

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1	(3)(A) In accordance with § 25-19-112, the county or electronic
2	record provider may charge the requestor for the costs associated with
3	retrieving, reviewing, redacting, and copying audio media, visual media, or
4	audiovisual media, including:
5	(i) Medium of reproduction;
6	(ii) Supplies;
7	(iii) Equipment;
8	(iv) Maintenance; and
9	(v) Personnel time.
10	(B) An electronic record provider that charges for costs
11	under subdivision (d)(3)(A) of this section shall provide a copy of the
12	invoice to the county.
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14	SECTION 3. Arkansas Code Title 25, Chapter 19, is amended to add an
15	additional section to read as follows:
16	25-19-112. Audio media, visual media, and audiovisual media — Findings
17	<u> Intent - Law enforcement.</u>
18	(a) The General Assembly finds that:
19	(1) The allocation of time of trained law enforcement personnel,
20	dispatchers, and detention personnel toward fulfilling requests for copies of
21	audio media, visual media, and audiovisual media is substantial; and
22	(2) The uniform assessment of costs to defray and recover the
23	allocation of time of trained law enforcement personnel, dispatchers, and
24	detention personnel toward fulfilling requests for copies of audio media,
25	visual media, and audiovisual media is necessary.
26	(b) It is the intent of the General Assembly to encourage the use of
27	audio media, visual media, and audiovisual media by state and local law
28	enforcement agencies and detention centers.
29	(c)(l) A state, county, municipal, school, college, or university law
30	enforcement agency, dispatch center, public safety answering point, jail,
31	detention center, or electronic record provider may charge for the costs
32	associated with retrieving, reviewing, redacting, and copying audio media,
33	visual media, and audiovisual media, including:
34	(A) Medium of reproduction;
35	(B) Supplies;
36	(C) Equipment;

1	(D) Maintenance; and
2	(E) Personnel time.
3	(2) A request for audio media, visual media, and audiovisual
4	media that:
5	(A) Requires three (3) hours or less to fulfill the
6	request shall be provided at no charge:
7	(i) Except for the cost of reproduction of the
8	media; or
9	(ii) Unless the requestor or the requestor's entity
10	has made a request under this section in the immediately preceding thirty-day
11	period;
12	(B) Requires more than three (3) hours of personnel or
13	equipment time to fulfill the request shall be charged at a rate that does
14	not exceed fifteen dollars (\$15.00) per hour; and
15	(C) Is estimated to require more than three (3) hours of
16	personnel or equipment time to fulfill the request may be required to be
17	prepaid.
18	(3) A request for audio media, visual media, and audiovisual
19	media shall be sufficiently specific to enable the custodian to locate the
20	requested audio media, visual media, and audiovisual media with reasonable
21	effort.
22	(4) An electronic record provider that charges for costs under
23	this section shall provide a copy of the invoice to the entity required to
24	maintain the audio media, visual media, or audiovisual media.
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26	/s/Rapert
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