

1 State of Arkansas *As Engrossed: S3/9/21 S3/15/21 S3/16/21 H4/6/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 346

4

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.

23

24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26

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
2 media.

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 criminal investigation 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,
21 audio media, visual media, and audiovisual media shall be retained for at
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:

30 (d)(1) It is the intent of the General Assembly to encourage the use
31 of audio media, visual media, and audiovisual media by local law enforcement
32 agencies and detention centers.

33 (2) A contract between an electronic record provider and a
34 county concerning audio media, visual media, or audiovisual media for the
35 county law enforcement agencies shall provide that audio media, visual media,
36 or audiovisual media be maintained as provided under § 13-4-403.

1 (3)(A) Pursuant to § 25-19-112, the county or electronic record
2 provider may charge the requestor for the costs associated with retrieving,
3 reviewing, redacting, and copying audio media, visual media, or audiovisual
4 media.

5 (B) An electronic record provider that charges for costs
6 under subdivision (d)(3)(A) of this section shall provide a copy of the
7 invoice to the county.

8
9 SECTION 3. Arkansas Code Title 25, Chapter 19, is amended to add an
10 additional section to read as follows:

11 25-19-112. Audio media, visual media, and audiovisual media – Findings
12 – Intent – Law enforcement.

13 (a) The General Assembly finds that:

14 (1) The allocation of time of trained law enforcement personnel,
15 dispatchers, and detention personnel toward fulfilling requests for copies of
16 audio media, visual media, and audiovisual media is substantial; and

17 (2) The uniform assessment of costs to defray and recover the
18 allocation of time of trained law enforcement personnel, dispatchers, and
19 detention personnel toward fulfilling requests for copies of audio media,
20 visual media, and audiovisual media is necessary.

21 (b) It is the intent of the General Assembly to encourage the use of
22 audio media, visual media, and audiovisual media by state and local law
23 enforcement agencies and detention centers.

24 (c)(1) A state, county, municipal, school, college, or university law
25 enforcement agency, dispatch center, public safety answering point, jail,
26 detention center, or electronic record provider may charge for the costs
27 associated with retrieving, reviewing, redacting, and copying audio media,
28 visual media, and audiovisual media as provided under this section.

29 (2) A request for audio media, visual media, and audiovisual media
30 that:

31 (A) Requires three (3) hours or less of personnel and
32 equipment time to fulfill the request shall be provided at no charge:

33 (i) Except for the cost of reproduction of the
34 media; or

35 (ii) Unless the requestor or the requestor's entity
36 has made a request under this section in the immediately preceding thirty-day

1 period;

2 (B) Requires more than three (3) hours of personnel or
3 equipment time to fulfill the request shall be charged at a rate that does
4 not exceed twenty dollars (\$20.00) per hour on a prorated basis for each hour
5 of running time of audio media, visual media, or audiovisual media provided
6 to the requestor; and

7 (C) Is estimated to require more than three (3) hours of
8 personnel or equipment time to fulfill the request may be required to be
9 prepaid.

10 (3) A request for audio media, visual media, and audiovisual
11 media shall be sufficiently specific to enable the custodian to locate the
12 requested audio media, visual media, and audiovisual media with reasonable
13 effort.

14 (4) An electronic record provider that charges for costs under
15 this section shall provide a copy of the invoice to the entity required to
16 maintain the audio media, visual media, or audiovisual media.

17
18 /s/Rapert
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36