

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 2128

"AN ACT TO AMEND ARKANSAS CODE 9-27-320 AND 12-12-1006 TO ALLOW
FINGERPRINTING AND PHOTOGRAPHING OF PERSONS ARRESTED FOR FELONIES
AND ALL MISDEMEANORS."

Amendment No. 2 to House Bill No. 2128.

Amend House Bill No. 2128 as engrossed, S3/27/01:

Page 1, delete lines 8 through 12 and substitute
"AN ACT TO AMEND ARKANSAS CODE 9-27-320(a) AND 12-12-1006 AS AMENDED BY ACT
177 OF 2001 CONCERNING THE FINGERPRINTING AND PHOTOGRAPHING OF ARRESTED
PERSONS; AND FOR OTHER PURPOSES. "

AND

Page 1, delete lines 15 through 18 and substitute
"AN ACT TO AMEND ARKANSAS CODE 9-27-320(a) AND 12-12-1006 AS AMENDED BY ACT
177 OF 2001 CONCERNING THE FINGERPRINTING AND PHOTOGRAPHING OF ARRESTED
PERSONS "

Delete everything after the Enacting Clause and substitute

"SECTION 1. Arkansas Code 9-27-320(a), as amended Act 177 of 2001, is amended to read as follows:

(a)(1) When ~~only when~~ a juvenile is arrested for any offense which, if committed by an adult, would constitute a felony, or a Class A misdemeanor wherein violence or the use of a weapon was involved, the juvenile shall be photographed and fingerprinted by the law enforcement agency.

(2) In the case of an allegation of delinquency, a juvenile shall not be photographed or fingerprinted under this subchapter by any law enforcement agency unless he has been taken into custody for the commission of an offense which, if committed by an adult, would constitute a felony or a Class A misdemeanor wherein violence or the use of a weapon was involved.

SECTION 2. Arkansas Code 12-12-1006, as amended by Act 177 of 2001, is amended to read as follows:

12-12-1006. Fingerprinting and photographing.

(a) Immediately following an arrest, the arresting official shall take, or cause to be taken, the fingerprints and a photograph of the arrested

person ~~only~~ if the offense is a felony or a Class A misdemeanor.

(b) When the first appearance of a defendant in court is caused by a citation or summons, the arresting official shall take, or cause to be taken, the fingerprints and a photograph of the arrested person ~~only~~ when the offense is a felony or a Class A misdemeanor.

(c) When felony or Class A misdemeanor charges are brought against a person already in the custody of a law enforcement or correctional agency, and such charges are separate from the charges for which the person was previously arrested or confined, the agency shall again take the fingerprints and photograph of the person in connection with the new charges.

(d) When a defendant pleads guilty or nolo contendere to, or is found guilty of, any felony or Class A misdemeanor charge, the court shall order that the defendant be immediately fingerprinted and photographed by the appropriate law enforcement official.

(e)(1) Fingerprints or photographs taken after arrest or court appearance pursuant to subsections (a) and (b) of this section, or taken from persons already in custody pursuant to subsection (c) of this section, shall be forwarded to the identification bureau within forty-eight (48) hours after such arrest or appearance.

(2) Fingerprints or photographs taken pursuant to subsection (d) of this section shall be forwarded to the identification bureau by the fingerprinting official within five (5) working days after such plea or finding of guilt.

(f) Fingerprint cards or fingerprint images may be retained by the identification bureau, and criminal history information may be retained by the central repository, for any criminal offense.

(g) Any individual who is arrested for a criminal offense and who refuses to be fingerprinted or photographed under this subchapter shall be guilty of a Class B misdemeanor. "

The Amendment was read the first time, rules suspended and read the second time and _____

**By: Senator Hoofman
PBB/RTK - 040320011611
RTK421**

Secretary