

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1684

Bill Subtitle: TO ESTABLISH A PUBLIC DATABASE FOR PERSONS CONVICTED OF A SERIOUS DOMESTIC OFFENSE; AND TO CREATE A CRIMINAL OFFENSE FOR NONCOMPLIANCE WITH CERTAIN REQUIREMENTS.

Basic Change : Sponsor: Rep. C. Douglas

The bill creates the Serious Domestic Offense Public Database for persons convicted of a serious domestic offense and creates a criminal offense for non-compliance with certain requirements. The Arkansas Crime Information Center (ACIC) shall maintain the database which is to be computerized, searchable and available on the Internet.

The bill authorizes the Department of Finance & Administration to release to a law enforcement agency or the ACIC information contained in a person's motor vehicle record if the information is required to be included in the Serious Domestic Offense Public Database and the law enforcement agency or ACIC needs the information to comply with the law. This bill does not authorize a law enforcement agency or the ACIC to publically disclose a person's social security number or a person's medical or disability information.

Revenue Impact :

This bill has no revenue impact if implemented.

Taxpayer Impact :

A person convicted of any of the named categories in this bill may have personal information, other than their social security number or medical or disability information, disclosed to the public in the Serious Domestic Offense Public Database.

Resources Required :

Programming may be required to implement this bill.

Time Required :

No additional time is required if this bill is passed.

Procedural Changes :

No procedural changes are required to implement this bill.

Legal Analysis :

HB1684 creates the "Serious Domestic Offense Public Database Act". The database would provide a database of publicly available information of persons that have been convicted of various offenses of a violent or sexual nature. The court in which the person is convicted determines whether the person's offense is subject to being included in the database. The bill also creates a misdemeanor criminal offense of "Failure to Update Information in the Serious Domestic Offense Public Database" which applies to a person convicted of offense of a violent or sexual nature. The bill defines the people and offenses that will fall under the act, creates the database for tracking the people subject to the act, the procedures for inclusion and removal from the database, and provides civil immunity to public officials, employees, and agencies.

This bill requires to provide law-enforcement agencies with a person's motor vehicle record when that information is required to be included in the database. Information that is required that may be in DFA records includes the person's last known address, physical description and recent photo, full name and date of birth. Neither the law-enforcement agency or ACIC, which administers the database, may disclose publicly the person's driver's license number, social security number, or medical/disability information. DFA's release of the information appears to be consistent with a "permissible use" under the Driver Privacy Protection Act, which allows such records to be released to "any government agency, including any court or law enforcement agency, in carrying out its functions[.]" In addition, 18 U.S.C. § 2721(b)(14) authorizes DFA to release such information "for any other use specifically authorized under the law of the State that holds the record, if such use is related to [...] public safety."