

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/27/01 S4/9/01

A Bill

HOUSE BILL 2128

5 By: Representative Minton
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 9-27-320(a) AND 12-
10 12-1006 AS AMENDED BY ACT 177 OF 2001 CONCERNING
11 THE FINGERPRINTING AND PHOTOGRAPHING OF ARRESTED
12 PERSONS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND ARKANSAS CODE 9-27-320
15 (a) AND 12-12-1006 AS AMENDED BY ACT 177
16 OF 2001 CONCERNING THE FINGERPRINTING
17 AND PHOTOGRAPHING OF ARRESTED PERSONS.
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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 9-27-320(a), as amended Act 177 of 2001, is
24 amended to read as follows:

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

29 (2) In the case of an allegation of delinquency, a juvenile
30 shall not be photographed or fingerprinted under this subchapter by any law
31 enforcement agency unless he has been taken into custody for the commission
32 of an offense which, if committed by an adult, would constitute a felony or a
33 Class A misdemeanor wherein violence or the use of a weapon was involved.
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35 SECTION 2. Arkansas Code 12-12-1006, as amended by Act 177 of 2001, is
36 amended to read as follows:

1 12-12-1006. Fingerprinting and photographing.

2 (a) Immediately following an arrest, the arresting official shall
3 take, or cause to be taken, the fingerprints and a photograph of the arrested
4 person ~~only~~ if the offense is a felony or a Class A misdemeanor.

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

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

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

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

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

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

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

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34 /s/ Minton