

Stricken language would be deleted from and underlined language would be added to present law.
Act 778 of the Regular Session

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

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 346

By: Senators Rapert, Irvin, B. Johnson, K. Hammer, D. Wallace, J. English, Gilmore, M. Johnson, Hickey

By: Representatives Beck, Bentley, Slape, Christiansen, Hollowell, C. Cooper, Tosh, Gazaway, Rye,

Maddox, M. McElroy, Dalby, Evans, Watson, *Wooten, Vaught*

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE USE OF AUDIO MEDIA, VISUAL MEDIA, AND AUDIOVISUAL MEDIA BY LAW ENFORCEMENT AGENCIES, DISPATCH CENTERS, PUBLIC SAFETY ANSWERING POINTS, JAILS, AND DETENTION CENTERS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE USE OF AUDIO MEDIA, VISUAL MEDIA, AND AUDIOVISUAL MEDIA BY LAW ENFORCEMENT AGENCIES, DISPATCH CENTERS, PUBLIC SAFETY ANSWERING POINTS, JAILS, AND DETENTION CENTERS.

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

SECTION 1. Arkansas Code § 13-4-403 is amended to read as follows:

13-4-403. Criminal investigation documentation – Definition.

(a) As used in this section, “criminal investigation documentation” includes without limitation:

- (1) Incident or offense reports;
- (2) Arrest warrant records;
- (3) Search warrant records; and
- (4) Investigative case files, including:
 - (A) Photographs;
 - (B) Lab reports; and



(C) ~~Audiovisual~~ Audio media, visual media, and audiovisual media.

(b) Criminal investigation documentation shall be retained for the following periods of time:

(1) If the criminal investigation documentation is associated with a Class Y or Class A felony, it shall be retained for at least thirty (30) years;

(2) If the criminal investigation documentation is associated with a non-Class Y felony, it shall be retained for at least ten (10) years;

(3) If the criminal investigation documentation is associated with a misdemeanor or violation, it shall be retained for at least ~~five (5)~~ three (3) years; ~~and~~

(4) If the criminal investigation documentation relates to a civil matter or other noncriminal matter, it shall be retained for at least three (3) years; and

(5) If the criminal investigation documentation is associated with a use of force by law enforcement, law enforcement complaints, or administrative proceedings, it shall be retained for at least three (3) years.

(c) Except as otherwise provided under subsection (b) of this section, audio media, visual media, and audiovisual media shall be retained for at least thirty (30) days.

~~(e)~~(d) Criminal investigation documentation may be disposed of by the order of the county judge upon recommendation of the county sheriff after the period of time dictated by subsection (b) of this section.

SECTION 2. Arkansas Code § 14-14-111, concerning county government electronic records, is amended to add an additional subsection to read as follows:

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

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

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

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

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

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

(a) The General Assembly finds that:

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

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

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

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

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

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

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

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

period;

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

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

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

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

/s/Rapert

APPROVED: 4/20/21