

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1472

By: Representative Dalby

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS JUVENILE CODE OF 1989 AS IT PERTAINS TO DELINQUENCY CASES; TO AMEND THE LAW CONCERNING DELINQUENCY CASES FOR WHICH RECORDS MUST BE KEPT FOR A PERIOD OF TIME; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DELINQUENCY CASES FOR WHICH RECORDS MUST BE KEPT FOR A PERIOD OF TIME.

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

SECTION 1. Arkansas Code § 9-27-309(a) and (b), concerning records kept closed and confidential under the Arkansas Juvenile Code of 1989 and records of particular delinquency adjudications that may be expunged, is amended to read as follows:

(a) All records may be closed and confidential within the discretion of the circuit court, except:

(1) Adoption records, including any part of a dependency-neglect record that includes adoption records, shall be closed and confidential as provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.;

(2) Records of delinquency adjudications for which a juvenile could have been tried as an adult shall be made available to prosecuting attorneys for use at sentencing if the juvenile is subsequently tried as an adult or to determine if the juvenile should be tried as an adult; and

(3) The Administrative Office of the Courts shall provide the



Arkansas Crime Information Center with records of delinquency adjudications for a juvenile adjudicated delinquent for an offense for which juvenile fingerprints shall be taken under § 9-27-320.

(b)(1)(A) Records of delinquency adjudications for ~~which a juvenile could have been tried as an adult~~ a felony involving violence as defined under § 5-4-501 shall be kept for ten (10) years after the last adjudication of delinquency or the date of a plea of guilty or nolo contendere or a finding of guilt as an adult.

(B) Thereafter they may be expunged.

(2) The court may expunge other juvenile records at any time and shall expunge all the records of a juvenile upon his or her twenty-first birthday, in other types of delinquency, dependency-neglect, or families in need of services cases.

(3) For purposes of this section, "expunge" means to destroy.

APPROVED: 3/13/23