

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 526

By: Senator J. Petty  
By: Representative Pearce

## For An Act To Be Entitled

AN ACT CONCERNING THE TAKING OF A DNA SAMPLE ARRESTED FOR A FELONY; TO CLARIFY THE RETENTION OF A DNA SAMPLE FOR A PERSON ARRESTED FOR A FELONY; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE TAKING OF A DNA SAMPLE FOR A PERSON ARRESTED FOR A FELONY; AND TO CLARIFY THE RETENTION OF A DNA SAMPLE FOR A PERSON ARRESTED FOR A FELONY.

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

SECTION 1. Arkansas Code § 12-12-1006(a), concerning the taking of fingerprints, a DNA sample, and a photograph of an arrested person, is amended to read as follows:

(a)(1)(A)(i) Immediately following an arrest for a Class A misdemeanor, a law enforcement official may take, or cause to be taken, the fingerprints and a photograph of the arrested person.

(ii) Immediately following an arrest for a felony offense, a law enforcement official at the receiving criminal detention facility shall take, or cause to be taken, the fingerprints and a photograph of the arrested person.

(B) A law enforcement official shall not take fingerprints of the arrested person if:

(i) The arrest was for a probation violation; and



(ii) The arrested person's fingerprints are already possessed by the Identification Bureau of the Division of Arkansas State Police.

(2)(A) In addition to the requirements of subdivision (a)(1) of this section, a law enforcement official at the receiving criminal detention facility shall take, or cause to be taken, a DNA sample of a person arrested for any felony offense.

(B) If the receiving criminal detention facility is using Rapid DNA technology to analyze a DNA sample taken from individuals arrested for a felony offense, then the taken DNA sample under subdivision (a)(2)(A) of this section shall not be retained or stored after completion of the Rapid DNA identification process.

**APPROVED: 4/12/23**