

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 16

By: Senator A. Clark
By: Representatives Gates, Hammer

For An Act To Be Entitled

AN ACT TO AUTHORIZE A REVIEW OF AGENCY PROCEDURE; TO AMEND CONFIDENTIALITY AND DISCLOSURE PROVISIONS OF THE CHILD MALTREATMENT ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE A REVIEW OF AGENCY PROCEDURE; AND TO AMEND CONFIDENTIALITY AND DISCLOSURE PROVISIONS OF THE CHILD MALTREATMENT ACT.

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

SECTION 1. Arkansas Code § 12-18-103, concerning definitions, is amended to add an additional subdivision to read as follows:

(27) "Agency procedure" means the compliance or lack of compliance by the Department of Human Services, the Department of Arkansas State Police, or other entity authorized under this chapter to perform investigations or provide services to children, individuals, or families with requirements under this chapter and rules under § 12-18-105.

SECTION 2. Arkansas Code § 12-18-104, concerning confidentiality, is amended to add an additional subdivision to read as follows:

(c) This section does not prohibit a review of agency procedure under § 12-18-109.

SECTION 3. Arkansas Code Title 12, Chapter 18, Subchapter 1, is



amended to add an additional section to read as follows:

12-18-109. Review of agency procedure.

(a)(1) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members may request information related to a child maltreatment investigation under this chapter from the Department of Human Services, the Department of Arkansas State Police, or other entity authorized under this chapter to perform investigations or provide services to children, individuals, or families in order to conduct a review of agency procedure and the Department of Human Services, the Department of Arkansas State Police, or other entity shall comply with the request for information.

(2) Individual United States and Arkansas senators and representatives and their authorized staff members under subdivision (a)(1) of this section may request information concerning unlawful activity of an agency employee or an agency employee's violation of agency procedure related to a child maltreatment investigation under this chapter from the Department of Human Services, the Department of Arkansas State Police, or other entity authorized under this chapter to perform investigations or provide services to children, individuals, or families and the Department of Human Services, the Department of Arkansas State Police, or other entity shall comply with the request for information.

(b)(1) A review of agency procedure under subsection (a) of this section shall not be conducted in a public setting, but may include disclosure of information described in subsection (a) of this section to a legislative body.

(2) This subsection does not permit the redisclosure of confidential information subsequent to the conclusion of the review of agency procedure.

SECTION 4. Arkansas Code § 12-18-502(b), concerning release and disclosure of data generally, is amended to add an additional subdivision to read as follows:

(b)(1) A person or agency to whom disclosure is made shall not disclose to any other person a report or other information obtained pursuant to this section.

(2) However, the person or agency is permitted to consult his or

her own attorney regarding the information in any notice provided by the Department of Human Services and the Department of Arkansas State Police.

(3) This section does not prohibit a review of agency procedure under § 12-18-109.

SECTION 5. Arkansas Code § 12-18-620(e)(10), concerning release of information on a pending investigation, is amended to add an additional subdivision to read as follows:

(10)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members, but only if they agree not to permit any redisclosure of the information.

(B) However, disclosure shall not be made to any committee or legislative body.

(C) This section does not prohibit a review of agency procedure under § 12-18-109.

SECTION 6. Arkansas Code § 12-18-710(e)(11), concerning release of information on a true investigative determination pending due process, is amended to add an additional subdivision to read as follows:

(11)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members, but only if they agree not to permit any redisclosure of the information.

(B) However, disclosure shall not be made to any committee or legislative body.

(C) This section does not prohibit a review of agency procedure under § 12-18-109.

SECTION 7. Arkansas Code § 12-18-909(g)(15), concerning availability of true reports of child maltreatment from the central registry, is amended to add an additional subdivision to read as follows:

(15)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members, but only if they agree not to permit any redisclosure of the information.

(B) However, disclosure shall not be made to any committee

or legislative body of any information that identifies any recipient of services by name or address;

(C) This section does not prohibit a review of agency procedure under § 12-18-109;

SECTION 8. Arkansas Code § 12-18-910(f)(6), concerning availability of screened-out and unsubstantiated reports, is amended to add an additional subdivision to read as follows:

(6)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members, but only if they agree not to permit any redisclosure of the information.

(B) However, disclosure shall not be made to any committee or legislative body of any information that identifies any recipient of services by name or address;

(C) This section does not prohibit a review of agency procedure under § 12-18-109;