

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1007

By: Representative Love

For An Act To Be Entitled

AN ACT TO BE KNOWN AS THE "LAW ENFORCEMENT INTEGRITY ACT OF 2021"; TO ESTABLISH THE LAW ENFORCEMENT INTEGRITY UNIT OF THE DIVISION OF ARKANSAS STATE POLICE; TO CREATE A HOTLINE TO REPORT AND A SEARCHABLE DATABASE TO CONTAIN THE NAMES OF LAW ENFORCEMENT OFFICERS WHO COMMIT ABUSES OF POLICE POWER OR VIOLATIONS OF A PERSON'S CIVIL RIGHTS; TO CREATE AN EXCEPTION TO THE ARKANSAS FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS THE "LAW ENFORCEMENT INTEGRITY ACT OF 2021".

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

SECTION 1. Arkansas Code Title 12, Chapter 8, is amended to add an additional subchapter to read as follows:

Subchapter 7 – Law Enforcement Integrity Act of 2021

12-8-701. Title.

This subchapter shall be known and may be cited as the "Law Enforcement Integrity Act of 2021".

12-8-702. Law Enforcement Integrity Unit – Creation.

(a) There is created within the Division of Arkansas State Police the



Law Enforcement Integrity Unit.

(b) The unit shall consist of the following three (3) offices:

(1) The Investigation Office which shall:

(A) Be staffed with both civilian personnel and certified law enforcement officers;

(B) Investigate alleged abuses of police power by a law enforcement officer and violations of a person's civil rights by a law enforcement officer, for the purpose of reporting to the prosecuting attorney with jurisdiction an abuse of police power or violation of a person's civil rights for which there is probable cause to believe that a criminal offense has been committed; and

(C) Assist the prosecuting attorney to whom a report under subdivision (b)(1)(B) of this section has been made with further investigation or prosecution of an offense;

(2) The Law Enforcement Officer Abuse Hotline Office which shall create and administer a twenty-four-hour, toll-free, inward wide-area telephone services for reporting to the division information regarding a possible incident of abuse of police power or of a violation of a person's civil rights by a law enforcement officer; and

(3) The Searchable Database Office that shall:

(A) Create and maintain a searchable database of all law enforcement officers who have been accused of an abuse of police power or of violating a person's civil rights while acting as a law enforcement officer; and

(B)(i) Include in the searchable database the name of a law enforcement officer and the basis for the finding, made either by the division or the law enforcement agency that employs or did employ the law enforcement officer, that the law enforcement officer committed an abuse of police power or violated a person's civil rights.

(ii)(a) A local law enforcement agency that finds that a law enforcement officer whom it employs has committed an abuse of police power or violated a person's civil rights while acting as a law enforcement officer shall immediately report the name of the law enforcement officer and the basis for the finding that the law enforcement officer committed an abuse of police power or violated a person's civil rights.

(b) The information reported in subdivision

(b)(3)(B)(ii)(a) of this section shall be included by the Searchable Database Office in the searchable database.

(c) The unit shall develop and maintain statewide statistics regarding the incidences of abuses of police power and violations of a person's civil rights by law enforcement officers.

12-8-703. Searchable database – Access – Exceptions.

(a) The following entities shall have access to the searchable database under § 12-8-702:

(1)(A) A current or former law enforcement officer whose name has been included in the searchable database as a current or former law enforcement officer who has abused police power or violated a person's civil rights or the current or former law enforcement officer's attorney when authorized in writing by the current or former law enforcement officer.

(B) A current or former law enforcement officer or his or her attorney under this subdivision (a)(1) of this section has access only to the current or former law enforcement officer's entry in the searchable database;

(2) A criminal justice agency, as defined in § 12-12-1001, if the request for access is accompanied by a statement that the request is made in conjunction with:

(A) An application for employment with the criminal justice agency by a current or former law enforcement officer and the request is limited to information concerning the current or former law enforcement officer; or

(B) A criminal background check under the Polygraph Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, § 17-40-101 et seq., and the request is limited to information concerning the subject of the criminal background check;

(3) A public or private school if the request for access is accompanied by a statement that the request is being made in conjunction with an application for employment with the public or private school by a current or former law enforcement officer and the request is limited to information concerning the current or former law enforcement officer;

(4) A court, for any reason;

(5) A prosecuting attorney, if the request for access is accompanied by a statement that the request is being made for a criminal justice purpose;

(6) A state agency or board engaged in the licensing of a person for a specific profession or occupation;

(7) The Arkansas Crime Information Center;

(8) The Division of Correction; and

(9) The Arkansas Commission on Law Enforcement Standards and Training.

(b) The searchable database under § 12-8-702 is not open for public inspection and is not subject to requests made under the Freedom of Information Act of 1967, § 25-19-101 et seq.

12-8-704. Provision of information and assistance.

Upon request by a member of the General Assembly, a staff member of the General Assembly, or a committee of the General Assembly, the Law Enforcement Integrity Unit shall immediately provide information with respect to an alleged or an actual abuse of police power or an alleged or actual violation of a person's civil rights by a law enforcement officer.

12-8-705. Reporting required.

When collecting reports received through the Law Enforcement Officer Abuse Hotline, the Law Enforcement Integrity Unit shall:

(1) Develop and maintain statewide statistics of the incidents of abuses of police power and violations of a person's civil rights by law enforcement officers; and

(2) Annually report no later than December 1 to the following:

(A) The Senate Judiciary Committee;

(B) The House Committee on Judiciary; and

(C) The Governor.