

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/16/21 H3/17/21
A Bill

HOUSE BILL 1696

By: Representatives Crawford, *Boyd*
By: Senator G. *Stubblefield*

For An Act To Be Entitled

AN ACT CONCERNING THE TAKING OF FINGERPRINTS, A DNA SAMPLE, AND PHOTOGRAPH FOR A PERSON ARRESTED FOR A CLASS A MISDEMEANOR; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE TAKING OF FINGERPRINTS, A DNA SAMPLE, AND PHOTOGRAPH FOR A PERSON ARRESTED FOR A CLASS A MISDEMEANOR.

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

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

(a)(1)(A)(i) Immediately following an arrest for ~~an offense~~ a Class A misdemeanor, a law enforcement official ~~at the receiving criminal detention facility~~ shall ~~shall~~ may take, or cause to be taken, the fingerprints and a photograph of the arrested person ~~if the offense is a felony or a Class A misdemeanor~~.

(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 ~~at the receiving criminal detention facility~~ 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 Department of Arkansas State Police.

(2) 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)(1) When the first appearance of a defendant in court is caused by a citation or summons for ~~an offense~~ a Class A misdemeanor, 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 ~~when the offense is a felony or a Class A misdemeanor~~.

(2)(A) When the first appearance of a defendant in court is caused by a summons 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.

~~(2)(B)~~ In addition to the requirements of subdivision ~~(b)(1)~~ (b)(2)(A) of this section, if the first appearance of a defendant in court is caused by a ~~citation or~~ summons for a felony offense ~~enumerated in subdivision (a)(2) of this section~~, the court immediately shall order and a law enforcement officer shall take or cause to be taken a DNA sample of the arrested person.

/s/Crawford