

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 526

5 By: Senator J. Petty
6 By: Representative Pearce
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For An Act To Be Entitled

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

15 CONCERNING THE TAKING OF A DNA SAMPLE FOR
16 A PERSON ARRESTED FOR A FELONY; AND TO
17 CLARIFY THE RETENTION OF A DNA SAMPLE FOR
18 A PERSON ARRESTED FOR A FELONY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 12-12-1006(a), concerning the taking of
25 fingerprints, a DNA sample, and a photograph of an arrested person, is
26 amended to read as follows:

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

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

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

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



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

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

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

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15 **APPROVED: 4/12/23**
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