

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1007

5 By: Representative Love
6

For An Act To Be Entitled

8 AN ACT TO BE KNOWN AS THE "LAW ENFORCEMENT INTEGRITY
9 ACT OF 2021"; TO ESTABLISH THE LAW ENFORCEMENT
10 INTEGRITY UNIT OF THE DIVISION OF ARKANSAS STATE
11 POLICE; TO CREATE A HOTLINE TO REPORT AND A
12 SEARCHABLE DATABASE TO CONTAIN THE NAMES OF LAW
13 ENFORCEMENT OFFICERS WHO COMMIT ABUSES OF POLICE
14 POWER OR VIOLATIONS OF A PERSON'S CIVIL RIGHTS; TO
15 CREATE AN EXCEPTION TO THE ARKANSAS FREEDOM OF
16 INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.
17

Subtitle

18
19 TO BE KNOWN AS THE "LAW ENFORCEMENT
20 INTEGRITY ACT OF 2021".
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 12, Chapter 8, is amended to add an
27 additional subchapter to read as follows:
28

Subchapter 7 – Law Enforcement Integrity Act of 2021

12-8-701. Title.

31
32 This subchapter shall be known and may be cited as the "Law Enforcement
33 Integrity Act of 2021".
34

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

35
36 (a) There is created within the Division of Arkansas State Police the



1 Law Enforcement Integrity Unit.

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

3 (1) The Investigation Office which shall:

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

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

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

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

20 (3) The Searchable Database Office that shall:

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

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

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

36 (b) The information reported in subdivision

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

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

6
7 12-8-703. Searchable database – Access – Exceptions.

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

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

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

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

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

26 (B) A criminal background check under the Polygraph
27 Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency,
28 Private Investigator, and School Security Licensing and Credentialing Act, §
29 17-40-101 et seq., and the request is limited to information concerning the
30 subject of the criminal background check;

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

36 (4) A court, for any reason;

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

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

6 (7) The Arkansas Crime Information Center;

7 (8) The Division of Correction; and

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

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

13
 14 12-8-704. Provision of information and assistance.

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

20
 21 12-8-705. Reporting required.

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

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

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

28 (A) The Senate Judiciary Committee;

29 (B) The House Committee on Judiciary; and

30 (C) The Governor.