

RECORD RETENTION LAWS FOR ARKANSAS MUNICIPALITIES

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DESTRUCTION/RETENTION (Ark. Code Ann. § 14-2-201 – 203)

These statutes provide for the destruction of paper records and reproduction in another format. Review these procedures carefully before destroying any records.

Ark. Code Ann. § 14-2-201. Authority -- Requirements

(a) The head of any county or municipal department, commission, bureau, or board may cause any or all records kept by the official, department, commission, or board to be photographed, microfilmed, photostated, or reproduced on or by film, microcard, miniature photographic recording, optical disc, digital compact disc, electronic imaging, or other process that accurately reproduces or forms a durable medium for reproducing the original when provided with equipment necessary for such method of recording.

(b) At the time of reproduction, the agency head shall attach his or her certificate to the record certifying that it is the original record, and the certificate shall be reproduced with the original.

(c) The device used to reproduce the records shall be such as to accurately reproduce and perpetuate the original records in all details.

Ark. Code Ann. § 14-2-203. Disposal, etc., of copied records

(a) Whenever reproductions of public records have been made in accordance with § 14-2-201 and have been placed in conveniently accessible files or other suitable format and provision has been made for preserving, examining, and using them, the head of a county office or department or city office or department may certify those facts to the county court or to the mayor of a municipality, respectively, who shall have the power to authorize the disposal, archival storage, or destruction of the records.

(b) Cities of the first class, cities of the second class, and incorporated towns may by ordinance declare a policy of record retention and disposal, provided that:

(1) The city or town complies with any specific statute regarding municipal records; and

(2) The following records are maintained permanently in either the original or electronic format as required by law:

- (A) Ordinances;
- (B) City council minutes;
- (C) Resolutions;
- (D) Annual financial audits; and
- (E) Year-end financial statements.

**COURT RECORDS (Ark. Code Ann. § 13-4-201 through 204;
Ark. Code Ann. § 16-46-101; Ark. Code Ann. § 16-10-211)**

Sections 13-4-201 through -204 permit the destruction of paper records once they have been reproduced in another format unless another statute permits destruction without requiring a copy made. Any hand-written document over fifty (50) years old, and any document of historical value as determined by the Arkansas State Archives, may not be destroyed as well as if otherwise required to be kept by law.

Section 16-46-101 provides means by which copies of certain records are to be maintained for evidentiary purposes.

See attached for specifications of section 16-10-211.

ACCOUNTING (Ark. Code Ann. § 14-59-114)

Accounting records fall into three groups: *Support Documents*, *Semipermanent Records*, and *Permanent Records*.

Support documents must be kept for at least four (4) years and may not be destroyed before an audit for the time in question. They consist of cancelled checks, invoices, bank statements, receipts, deposit slips, bank reconciliations, check book registers or listings, receipts listings, monthly financial reports, payroll records, budget documents, and bids, quotes, and related documentation.

Semipermanent Records must be kept for at least seven (7) years with the same restriction regarding an audit. They consist of fixed assets and equipment detail records, investment and certificate of deposit records, journals, ledgers, and subsidiary ledgers, and annual financial reports. For investment and certificate of deposit records, the seven (7) years of required maintenance begins on the date of maturity.

Permanent records shall be maintained permanently. They consist of city or town council minutes, ordinances, resolutions, employee retirement documents, and annual financial audits.

POLICE TICKET BOOKS (Ark. Code Ann. § 16-10-211(a)(3)(K) & (L))

Citation books and logs must be kept for at least three (3) years and may not be destroyed before an audit.

POLICE DEPARTMENT RECORDS (Ark. Code Ann. § 14-2-204)

Maintain permanently or for at least seven (7) years, as the municipality may determine: closed municipal police case files for felony and Class A misdemeanor offenses and expungement orders of municipal police cases. However, after ten (10) years, these may be copied and maintained under Ark. Code Ann. 14-2-203. In addition, records constituting evidence of sexual offenses or violent offenses resulting in convictions must comply with Ark. Code Ann. 12-12-104 and Ark. Code Ann. 5-42-203 and must also be maintained permanently. Furthermore, all of the above records must comply with Ark. Code Ann. 14-2-203(b)(1).

Maintain for three (3) years: Accident, incident, and offense reports, fine and bond and parking meter records, radio logs and complaint cards, employment records, payroll sheets, time cards, and leave requests. After three (3) years, they may then be copied electronically

or disposed of.

WATER and SEWER (Ark. Code Ann. § 14-237-112)

These provisions are substantially the same as for Accounting Records - *see* above.

HISTORICAL (Ark. Code Ann. § 13-3-107)

Before any records “other than ephemeral materials” are destroyed, city officials must advise the Arkansas State Archives in writing and give any records deemed to have historical value to the State Archives.

COURT RECORDS

Ark. Code Ann. § 16-10-211. Record retention schedule

(a) All towns, cities, and counties of the State of Arkansas shall maintain records for the district courts and are to:

- (1) Permanently maintain:
 - (A) Case indices for all district courts;
 - (B) Case dockets for all district courts;
 - (C) Active warrants;
 - (D) Waivers;
 - (E) Expungement and sealed records;
 - (F) Files concerning convictions under the Omnibus DWI or BWI Act, § 5-65-101 et seq.; and
 - (G) Domestic battering files;
- (2) Maintain for a period of at least seven (7) years and in no event dispose of before being audited:
 - (A) Complete case files and written exhibits for all district courts, not including civil or small claims division cases in which the judgment is not satisfied;
 - (B) Show cause orders;
 - (C) Case information, including arrest reports and affidavits; and
 - (D) Files concerning cases resulting in a suspended imposition of sentence; and
- (3) Maintain for a period of at least three (3) years and in no event dispose of before being audited:
 - (A) Bank reconciliations;
 - (B) Check book registers and check listings;
 - (C) Cancelled checks;
 - (D) Bank statements;

- (E) Receipts;
- (F) Deposit collection records;
- (G) Receipts listings;
- (H) Distribution reports;
- (I) Receipt and disbursement journals;
- (J) Time payment records;
- (K) Citation book logs;
- (L) Citation books from each police department and sheriff's office;
- (M) Served, recalled, or quashed arrest warrants;
- (N) Copies of citations;
- (O) Alternative service or community service time sheets;
- (P) Uniform filing fees collection remittance forms and fine reports;
- (Q) Miscellaneous fee and fine collection reports; and
- (R) Served or unexecuted search warrants.

(b) After a town, city, or county has maintained records for the time periods required by subdivision (a)(2) or subdivision (a)(3) of this section and after the records described in subdivision (a)(2) or subdivision (a)(3) of this section have been audited, the records may be destroyed.

(c) When records are destroyed under subsection (b) of this section, the town, city, or county shall document the destruction by the following procedure:

(1) An affidavit is to be prepared stating:

(A) Which records are being destroyed and to which period of time the records apply; and

(B) The method of destruction; and

(2) The affidavit is to be signed by the town, city, or county employee performing the destruction and one (1) employee of the governing body or, if applicable, governing bodies that contribute to the expenses of the court.

(d) In addition to the procedure described in subsection (c) of this section, the approval of the governing body or, if applicable, governing bodies that contribute to the expenses of

the court shall be obtained before the destruction of district court records and an appropriate note of the approval indicated in the minutes of the governing body or bodies along with the destruction affidavit.

