



STATE OF ARKANSAS  
OFFICE OF THE ATTORNEY GENERAL  
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK  
ATTORNEY GENERAL  
OPINION NO. 85-94

(501) 371-2007

March 25, 1985

John Sanford  
Prosecuting Attorney  
West Main and Arkansas Avenue  
Russellville, AR 72801

RE: Expungement of Defendant's Name

Dear Mr. Sanford:

Your office has requested an official opinion as to whether a criminal defendant's name should somehow be removed from the Criminal Court Book index when his record is expunged, and a separate index established to coincide with the sealed record book.

As you know, pursuant to Ark. Stat. Ann. §43-2340(g) and §43-1231 (Repl. 1977),

The term "expunge" shall not mean the physical destruction of any official records of law enforcement agencies or judicial officials.

Therefore, under no circumstances should the name be obliterated, erased, or "whited out" in the index. However, since the defendant's record has been expunged from the regular docket book, the index entry should be masked from view in some way so that it could not be read but would still be available to the proper authorities as mandated by statute.

In turn, it would be proper to establish a separate index to coincide with the book which contains the expunged records. Of course, this index would not be available for public inspection.

It is certainly not the function of this office to mandate to the circuit clerks how they will organize and carry out their administrative duties. That direction rightfully belongs to the Judicial Department.

Therefore, the actual manner by which the clerks accomplish

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the expungement process should be addressed with the advice and counsel of the Judicial Department staff.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Elizabeth Dowling.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Clark", written over the typed name.

STEVE CLARK  
Attorney General

jsc:ED:dc