

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 1378 of 2003
HOUSE BILL 1897

5 By: Representative Elliott
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For An Act To Be Entitled

9 AN ACT TO UPDATE SEX OFFENSES CONCERNING
10 BACKGROUND CHECKS ON CHILD CARE LICENSEES AND
11 EMPLOYEES; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO UPDATE SEX OFFENSES CONCERNING
14 BACKGROUND CHECKS ON CHILD CARE
15 LICENSEES AND EMPLOYEES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 20-78-604(a), concerning background checks
22 on child care licensees and employees, is amended to read as follows:

23 (a) Without proof of rehabilitation as provided in subsection (b) of
24 this section, no person shall be eligible to be a child care facility owner,
25 operator, or employee in a licensed or church-operated exempt facility if
26 that person has pleaded guilty or nolo contendere or has been found guilty of
27 any of the following offenses by any court in the State of Arkansas or of any
28 similar offense by a court in another state or of any similar offense by a
29 federal court:

- 30 (1) Capital murder as prohibited in § 5-10-101;
31 (2) Murder in the first and second degrees as prohibited in §§
32 5-10-102 and 5-10-103;
33 (3) Manslaughter as prohibited in § 5-10-104;
34 (4) Battery in the first and second degrees as prohibited in §§
35 5-13-201 and 5-13-202;
36 (5) Aggravated assault as prohibited in § 5-13-204;



1 (6) Terroristic threatening in the first degree as prohibited in
2 § 5-13-301;

3 (7) Kidnapping as prohibited in § 5-11-102;

4 (8) False imprisonment in the first degree as prohibited in § 5-
5 11-103;

6 (9) Permanent detention or restraint as prohibited in § 5-11-
7 106;

8 (10) Rape and carnal abuse in the first and second degrees as
9 prohibited in § 5-14-103, 5-14-104 [repealed], and 5-14-105 [repealed];

10 ~~(11) Sexual abuse in the first and second degrees as prohibited~~
11 ~~in §§ 5-14-108 [repealed] and 5-14-109 [repealed];~~

12 ~~(12) Violation of a minor in the first and second degrees as~~
13 ~~prohibited in §§ 5-14-120 [repealed] and 5-14-121 [repealed];~~

14 (11) Sexual assault in the first degree, second degree, third
15 degree, and fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;

16 ~~(13)~~(12) Incest as prohibited in § 5-26-202;

17 ~~(14)~~(13) Endangering the welfare of a minor in the first degree
18 as prohibited in § 5-27-203;

19 ~~(15)~~(14) Permitting child abuse as prohibited in § 5-27-
20 221(a)(1) and (a)(3);

21 ~~(16)~~(15) Engaging children in sexually explicit conduct for use
22 in visual or print media, transportation of minors for prohibited sexual
23 conduct, or use of a child or consent to use of a child in a sexual
24 performance by producing, directing, or promoting a sexual performance by a
25 child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;

26 ~~(17)~~(16) Distribution to minors as prohibited in § 5-64-406;

27 ~~(18)~~(17) Manufacture, delivery, or possession with intent to
28 manufacture or deliver any controlled substance as prohibited in § 5-64-401;

29 ~~(19) Carnal abuse in the third degree as prohibited in § 5-14-~~
30 ~~106 [repealed];~~

31 ~~(20)~~(18) Sexual ~~solicitation of a~~ indecenty with a child as
32 prohibited in § 5-14-110;

33 ~~(21)~~(19) Pandering or possessing visual or print medium depicting
34 sexually explicit conduct involving a child as prohibited by § 5-27-304;

35 ~~(22)~~(20) Negligent homicide as prohibited by § 5-10-105;

36 ~~(23)~~(21) Assault in the first degree as prohibited by § 5-13-

1 205;

2 ~~(24)~~(22) Coercion as prohibited by § 5-13-208;

3 ~~(25)~~(23) Sexual misconduct as prohibited by § 5-14-107

4 [repealed];

5 ~~(26)~~(24) Public sexual indecency as prohibited by § 5-14-111;

6 ~~(27)~~(25) Indecent exposure as prohibited by § 5-14-112;

7 ~~(28)~~(26) Endangering the welfare of a minor in the second degree
8 as prohibited by § 5-27-204;

9 ~~(29)~~(27) Any felony or any misdemeanor involving violence or
10 sexual misconduct; and

11 ~~(30)~~(28) Criminal attempt, criminal solicitation, or criminal
12 conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401 to
13 commit any of the offenses listed in this section.

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APPROVED: 4/15/2003

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