

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 1379 of 2003  
HOUSE BILL 1898

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 CERTAIN STATE EMPLOYEES IN  
11 DESIGNATED POSITIONS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO UPDATE SEX OFFENSES CONCERNING  
14 BACKGROUND CHECKS ON CERTAIN STATE  
15 EMPLOYEES IN DESIGNATED POSITIONS.  
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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 § 21-15-103(g), concerning background checks  
22 on certain state employees in designated positions, is amended to read as  
23 follows:

24 (g) A state agency shall discharge from employment in a designated  
25 position any person who has pleaded guilty or nolo contendere to or been  
26 found guilty of any of the following offenses by any court in the State of  
27 Arkansas or of any similar offense by a federal court in another state or of  
28 any similar offense by a federal court, but only after an opportunity for a  
29 hearing conducted in accordance with the Arkansas Administrative Procedure  
30 Act, § 25-15-201 et seq.:

- 31 (1) Capital murder, as prohibited in § 5-10-101;
- 32 (2) Murder in the first degree and second degree, as prohibited  
33 in §§ 5-10-102 and 5-10-103;
- 34 (3) Manslaughter, as prohibited in § 5-10-104;
- 35 (4) Negligent homicide, as prohibited in § 5-10-105;
- 36 (5) Kidnapping, as prohibited in § 5-11-102;



1 (6) False imprisonment in the first degree, as prohibited in §  
2 5-11-103;

3 (7) Permanent detention or restraint, as prohibited in § 5-11-  
4 106;

5 (8) Robbery, as prohibited in § 5-12-102;

6 (9) Aggravated robbery, as prohibited in § 5-12-103;

7 (10) Battery in the first degree, as prohibited in § 5-13-201;

8 (11) Aggravated assault, as prohibited in § 5-13-204;

9 (12) Introduction of controlled substance into body of another  
10 person, as prohibited in § 5-13-210;

11 (13) Terroristic threatening in the first degree, as prohibited  
12 in § 5-13-301;

13 (14) Rape ~~and carnal abuse in the first degree, second degree,~~  
14 ~~and third degree,~~ as prohibited in §§ 5-14-103 ~~— 5-14-106;~~

15 ~~(15) Sexual abuse in the first degree and second degree, as~~  
16 ~~prohibited in §§ 5-14-108 and 5-14-109;~~

17 ~~(16)~~(15) Sexual ~~solicitation of a~~ indecentcy with a child, as  
18 prohibited in § 5-14-110;

19 ~~(17) Violation of a minor in the first degree and second degree,~~  
20 ~~as prohibited in §§ 5-14-120 and 5-14-121;~~

21 (16) Sexual assault in the first degree, second degree, third  
22 degree, or fourth degree as prohibited in §§ 5-14-124 - 5-24-127;

23 ~~(18)~~(17) Incest, as prohibited in § 5-26-202;

24 ~~(19)~~(18) Offenses against the family, as prohibited in §§ 5-26-  
25 303 - 5-26-306;

26 ~~(20)~~(19) Endangering the welfare of an incompetent person in the  
27 first degree, as prohibited in § 5-27-201;

28 ~~(21)~~(20) Endangering the welfare of a minor in the first degree,  
29 as prohibited in § 5-27-203;

30 ~~(22)~~(21) Permitting abuse of a child, as prohibited in  
31 subdivisions (a)(1) and (a)(3) of § 5-27-221;

32 ~~(23)~~(22) Engaging children in sexually explicit conduct for use  
33 in visual or print medium, transportation of minors for prohibited sexual  
34 conduct, pandering or possessing visual or print medium depicting sexually  
35 explicit conduct involving a child, or the use of a child or consent to the  
36 use of a child in a sexual performance by producing, directing, or promoting

1 a sexual performance by a child, as prohibited in §§ 5-27-303, 5-27-304, 5-  
2 27-305, 5-27-402, and 5-27-403;

3 ~~(24)~~(23) Felony adult abuse, as prohibited in § 5-28-103;

4 ~~(25)~~(24) Theft of property, as prohibited in § 5-36-103;

5 ~~(26)~~(25) Theft by receiving, as prohibited in § 5-36-106;

6 ~~(27)~~(26) Arson, as prohibited in § 5-38-301;

7 ~~(28)~~(27) Burglary, as prohibited in § 5-39-201;

8 ~~(29)~~(28) Felony violation of the Uniform Controlled Substances  
9 Act, §§ 5-64-101 - 5-64-608, as prohibited in § 5-64-401;

10 ~~(30)~~(29) Promotion of prostitution in the first degree, as  
11 prohibited in § 5-70-104;

12 ~~(31)~~(30) Stalking, as prohibited in § 5-71-229; and

13 ~~(32)~~(31) Criminal attempt, criminal complicity, criminal  
14 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,  
15 5-3-301, and 5-3-401, to commit any of the offenses listed in this  
16 subsection.

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19 APPROVED: 4/15/2003  
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