

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 1387 of 2003  
HOUSE BILL 1906

5 By: Representative Elliott  
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## For An Act To Be Entitled

9 AN ACT TO UPDATE SEX OFFENSES FOR BACKGROUND  
10 CHECKS ON NON CERTIFIED SCHOOL EMPLOYEES; AND FOR  
11 OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO UPDATE SEX OFFENSES FOR  
14 BACKGROUND CHECKS ON NON CERTIFIED  
15 SCHOOL EMPLOYEES; AND FOR OTHER  
16 PURPOSES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 6-17-414(b), concerning criminal checks as  
23 a condition for employment, is amended to read as follows:

24 (b)(1) No person shall be eligible for employment by a local school  
25 district or education service cooperative in a noncertified staff position if  
26 that person has pleaded guilty or nolo contendere to or has been found guilty  
27 of any of the following offenses by any court in the State of Arkansas or of  
28 any similar offense by a court in another state or of any similar offense by  
29 a federal court:

30 (A) Capital murder, as prohibited in § 5-10-101;

31 (B) Murder in the first and second degrees, as prohibited  
32 in §§ 5-10-102 and 5-10-103;

33 (C) Manslaughter, as prohibited in § 5-10-104;

34 (D) Battery in the first and second degrees, as prohibited  
35 in §§ 5-13-201 and 5-13-202;

36 (E) Aggravated assault, as prohibited in § 5-13-204;



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

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

4 (H) Rape and carnal abuse in the first and second degrees  
 5 as prohibited in §§ 5-14-103 — 5-14-105;

6 ~~(I) Sexual abuse in the first and second degrees as~~  
 7 ~~prohibited in §§ 5-14-108 and 5-14-109;~~

8 ~~(J) Violation of a minor in the first and second degrees~~  
 9 ~~as prohibited in §§ 5-14-120 and 5-14-121;~~

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

12 ~~(K)(J)~~ Incest, as prohibited in § 5-26-202;

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

18 ~~(M)(L)~~ Distribution to minors, as prohibited in § 5-64-  
 19 406;

20 ~~(N)(M)~~ The manufacture, delivery, or possession with  
 21 intent to manufacture or deliver any controlled substance, as prohibited in §  
 22 5-64-401;

23 ~~(O)(N)~~ Criminal attempt, criminal solicitation, or  
 24 criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-  
 25 401 to commit any of the offenses listed in this subsection;

26 ~~(P)~~ Carnal abuse in the third degree as prohibited in § 5-  
 27 14-106;

28 ~~(Q)(O)~~ Sexual solicitation of a indecenty with a child as  
 29 prohibited in § 5-14-110;

30 ~~(R)(P)~~ Endangering the welfare of a minor in the first  
 31 degree as prohibited in § 5-27-203;

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

35 ~~(T)(R)~~ False imprisonment in the first degree as  
 36 prohibited in § 5-11-103;

1                   ~~(U)~~(S) Permanent detention or restraint as prohibited in §  
2 5-11-106;

3                   ~~(V)~~(T) Permitting child abuse as prohibited in § 5-27-  
4 221(a)(1) and (a)(3);

5                   ~~(W)~~(U) Negligent homicide as prohibited by § 5-10-105(a);

6                   ~~(X)~~(V) Assault in the first degree as prohibited by § 5-  
7 13-205;

8                   ~~(Y)~~(W) Coercion as prohibited by § 5-13-208;

9                   ~~(Z)~~ Sexual misconduct as prohibited by § 5-14-107;

10                   ~~(AA)~~(X) Public sexual indecency as prohibited by § 5-14-  
11 111;

12                   ~~(BB)~~(Y) Indecent exposure as prohibited by § 5-14-112; and

13                   ~~(CC)~~(Z) Endangering the welfare of a minor in the second  
14 degree as prohibited by § 5-27-204.

15                   (2) Provided, however, that the board of directors of a local  
16 school district or education service cooperative is authorized to offer  
17 provisional employment to an applicant pending receipt of eligibility  
18 information from the Department of Education.

21                   APPROVED: 4/15/2003

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