

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 1380 of 2003
HOUSE BILL 1899

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 PERSONS IN DIRECT CONTACT
11 WITH CHILDREN AND WITH MENTALLY ILL AND
12 DEVELOPMENTALLY DISABLED PERSONS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO UPDATE SEX OFFENSES CONCERNING
16 BACKGROUND CHECKS ON PERSONS IN DIRECT
17 CONTACT WITH CHILDREN AND WITH MENTALLY
18 ILL AND DEVELOPMENTALLY DISABLED
19 PERSONS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 21-15-102(f), concerning background checks
26 for persons in direct contact with children and with mentally ill and
27 developmentally disabled persons, is amended to read as follows:

28 (f) No person shall be eligible for employment with a state agency in
29 a designated position if that person has pleaded guilty or nolo contendere
30 to, or been found guilty of, any of the following offenses by any court in
31 the State of Arkansas or of any similar offense by a court in another state
32 or of any similar offense by a federal court:

33 (1) Capital murder, as prohibited in § 5-10-101;

34 (2) Murder in the first degree and second degree, as prohibited
35 in §§ 5-10-102 and 5-10-103;

36 (3) Manslaughter, as prohibited in § 5-10-104;



- 1 (4) Negligent homicide, as prohibited in § 5-10-105;
- 2 (5) Kidnapping, as prohibited in § 5-11-102;
- 3 (6) False imprisonment in the first degree, as prohibited in §
- 4 5-11-103;
- 5 (7) Permanent detention or restraint, as prohibited in § 5-11-
- 6 106;
- 7 (8) Robbery, as prohibited in § 5-12-102;
- 8 (9) Aggravated robbery, as prohibited in § 5-12-103;
- 9 (10) Battery in the first degree, as prohibited in § 5-13-201;
- 10 (11) Aggravated assault, as prohibited in § 5-13-204;
- 11 (12) Introduction of controlled substance into body of another
- 12 person, as prohibited in § 5-13-210;
- 13 (13) Terroristic threatening in the first degree, as prohibited
- 14 in § 5-13-301;
- 15 (14) ~~Rape and carnal abuse in the first degree, second degree,~~
- 16 ~~and third degree,~~ as prohibited in §§ 5-14-103 ~~— 5-14-106;~~
- 17 ~~(15) Sexual abuse in the first degree and second degree, as~~
- 18 ~~prohibited in §§ 5-14-108 and 5-14-109;~~
- 19 ~~(16)~~(15) Sexual ~~solicitation of a~~ indecency with a child, as
- 20 prohibited in § 5-14-110;
- 21 ~~(17) Violation of a minor in the first degree and second degree,~~
- 22 ~~as prohibited in §§ 5-14-120 and 5-14-121;~~
- 23 (16) Sexual assault in the first degree, second degree, third
- 24 degree and fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;
- 25 ~~(18)~~(17) Incest, as prohibited in § 5-26-202;
- 26 ~~(19)~~(18) Offenses against the family, as prohibited in §§ 5-26-
- 27 303 - 5-26-306;
- 28 ~~(20)~~(19) Endangering the welfare of an incompetent person in the
- 29 first degree, as prohibited in § 5-27-201;
- 30 ~~(21)~~(20) Endangering the welfare of a minor in the first degree,
- 31 as prohibited in § 5-27-203;
- 32 ~~(22)~~(21) Permitting abuse of a child, as prohibited in
- 33 subdivisions (a)(1) and (a)(3) of § 5-27-221;
- 34 ~~(23)~~(22) Engaging children in sexually explicit conduct for use
- 35 in visual or print medium, transportation of minors for prohibited sexual
- 36 conduct, pandering or possessing visual or print medium depicting sexually

1 explicit conduct involving a child, or the use of a child or consent to the
2 use of a child in a sexual performance by producing, directing, or promoting
3 a sexual performance by a child, as prohibited in §§ 5-27-303, 5-27-304, 5-
4 27-305, 5-27-402, and 5-27-403;

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

6 ~~(25)~~(24) Theft of property, as prohibited in § 5-36-103;

7 ~~(26)~~(25) Theft by receiving, as prohibited in § 5-36-106;

8 ~~(27)~~(26) Arson, as prohibited in § 5-38-301;

9 ~~(28)~~(27) Burglary, as prohibited in § 5-39-201;

10 ~~(29)~~(28) Felony violation of the Uniform Controlled Substances
11 Act, as prohibited in § 5-64-401;

12 ~~(30)~~(29) Promotion of prostitution in the first degree, as
13 prohibited in § 5-70-104;

14 ~~(31)~~(30) Stalking, as prohibited in § 5-71-229; and

15 ~~(32)~~(31) Criminal attempt, criminal complicity, criminal
16 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,
17 5-3-301, and 5-3-401, to commit any of the offenses listed in this
18 subsection.

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21 APPROVED: 4/15/2003
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