

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 834 of 2003
HOUSE BILL 2204

5 By: Representative Oglesby
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For An Act To Be Entitled

9 AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS ON
10 APPLICANTS FOR LICENSES ISSUED BY THE ARKANSAS
11 AUCTIONEER LICENSING BOARD; AND FOR OTHER
12 PURPOSES.
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Subtitle

14 AN ACT TO REQUIRE CRIMINAL BACKGROUND
15 CHECKS ON APPLICANTS FOR LICENSES ISSUED
16 BY THE ARKANSAS AUCTIONEER LICENSING
17 BOARD.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 17, Chapter 17, Subchapter 3 is amended
24 to add an additional section to read as follows:

25 17-17-312. Criminal background checks.

26 (a) Beginning on the effective date of this section, each first-time
27 applicant for a license issued by the Arkansas Auctioneer Licensing Board,
28 and each applicant seeking reinstatement of an expired license from the board
29 shall be required to apply to the Identification Bureau of the Department of
30 Arkansas State Police for a state and national criminal background check, to
31 be conducted by the Federal Bureau of Investigation.

32 (b) The check shall conform to the applicable federal standards and
33 shall include the taking of fingerprints.

34 (c) The applicant shall sign a release of information to the board and
35 shall be responsible to the Department of Arkansas State Police for the
36 payment of any fee associated with the criminal background check.



1 (d) Upon completion of the criminal background check, the
 2 Identification Bureau of the Department of Arkansas State Police shall
 3 forward all information obtained concerning the applicant in the commission
 4 of any offense listed in subsection (f) of this section to the board.

5 (e) At the conclusion of any background check required by this
 6 section, the Identification Bureau of the Department of Arkansas State Police
 7 shall promptly destroy the fingerprint card of the applicant.

8 (f) No person shall be eligible to receive or hold a license issued by
 9 the board if that person has pleaded guilty or nolo contendere to, or been
 10 found guilty of any of the following offenses by any court in the State of
 11 Arkansas, or of any similar offense by a court in another state, or of any
 12 similar offense by a federal court:

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

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

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

17 (4) Negligent homicide, as prohibited in § 5-10-105;

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

19 (6) False imprisonment in the first degree, as prohibited in §
 20 5-11-103;

21 (7) Permanent detention or restraint, as prohibited in § 5-11-
 22 106;

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

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

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

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

27 (12) Introduction of a controlled substance into the body of
 28 another person, as prohibited in § 5-13-210;

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

31 (14) Rape, as prohibited in § 5-14-103 ;

32 (15) Sexual indecency with a child, as prohibited in § 5-14-110;

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

35 (17) Incest, as prohibited in § 5-26-202;

36 (18) Offenses against the family, as prohibited in §§ 5-26-303 -

1 5-26-306;

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

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

6 (21) Permitting the abuse of a child, as prohibited in § 5-27-
 7 221(a)(1) and (3);

8 (22) Engaging children in sexually explicit conduct for use in
 9 visual or print media, transportation of minors for prohibited sexual
 10 conduct, pandering or possessing visual or print medium depicting sexually
 11 explicit conduct involving a child, or use of a child or consent to use of a
 12 child in a sexual performance by producing, directing, or promoting a sexual
 13 performance by a child, as prohibited in §§ 5-27-303 - 5-27-305, 5-27-402,
 14 and 5-27-403;

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

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

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

18 (26) Arson, as prohibited in § 5-38-301;

19 (27) Burglary, as prohibited in § 5-39-201;

20 (28) Felony violation of the Uniform Controlled Substances Act,
 21 §§ 5-64-101 - 5-64-608 as prohibited in § 5-64-401;

22 (29) Promotion of prostitution in the first degree, as
 23 prohibited in § 5-70-104;

24 (30) Stalking, as prohibited in § 5-71-229; and

25 (31) Criminal attempt, criminal complicity, criminal
 26 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,
 27 5-3-301, and 5-3-401, to commit any of the offenses listed in this
 28 subsection.

29 (g)(1) The provisions of subsection (f) of this section may be waived
 30 by the board upon the request of:

31 (A) An affected applicant for licensure; or

32 (B) The person holding a license subject to revocation.

33 (2) Circumstances for which a waiver may be granted shall
 34 include, but not be limited to, the following:

35 (A) The age at which the crime was committed;

36 (B) The circumstances surrounding the crime;

1 (C) The length of time since the crime;

2 (D) Subsequent work history;

3 (E) Employment references; and

4 (F) Character references.

5 (h)(1) Any information received by the board from the Identification
6 Bureau of the Department of Arkansas State Police under this section shall
7 not be available for examination except by the affected applicant for
8 licensure, or his or her authorized representative, or the person whose
9 license is subject to revocation, or his or her authorized representative.

10 (2) No record, file, or document shall be removed from the
11 custody of the Department of Arkansas State Police.

12 (i) Any information made available to the affected applicant for
13 licensure, or the person whose license is subject to revocation shall be
14 information pertaining to that person only.

15 (j) Rights of privilege and confidentiality established herein shall
16 not extend to any document created for purposes other than this background
17 check.

18 (k) The board shall adopt the necessary rules and regulations to fully
19 implement the provisions of this section.

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22 **APPROVED: 3/27/2003**
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