

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Pollan**

A Bill

HOUSE BILL 2025

For An Act To Be Entitled

8 "AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS OF PERSONS
9 APPLYING FOR A LICENSE TO OWN OR OPERATE A CHILD CARE
10 FACILITY AND PERSONS SEEKING EMPLOYMENT AT A LICENSED
11 CHILD CARE FACILITY; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO REQUIRE BACKGROUND CHECKS OF PERSONS SEEKING A
15 LICENSE OR EMPLOYMENT AT A CHILD CARE FACILITY.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Child Abuse Central Registry Check - Owners, Operators,
20 Prospective Employees.

21 (a) The name of each applicant for a license to own or operate child
22 care facility and the name of each person seeking employment in a licensed
23 child care facility shall be checked with the Arkansas Child Abuse Central
24 Registry for reports of child abuse/neglect or maltreatment.

25 (b) The Child Care Facilities Review Board shall have the authority to
26 deny a license to any applicant found to have any record of founded child
27 abuse/neglect or maltreatment in the official record of the Arkansas Child
28 Abuse Central Registry.

29 (c) Any person seeking employment in a licensed child care facility
30 found to have any record of child abuse/neglect or maltreatment in the
31 official record of the Arkansas Child Abuse Central Registry shall be reviewed
32 by the owner/operator of the facility in consultation with the board to
33 determine appropriate corrective action measures which would include but are
34 not limited to training, probationary employment or nonselection for
35 employment.

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2 SECTION 2. Criminal Records Check - Owners, Operators.

3 (a) Each applicant for a license to own or operate a child care
4 facility shall be required to apply to the Identification Bureau of the
5 Arkansas State Police for a nationwide criminal records check, to be conducted
6 by the Federal Bureau of Investigation. The check shall conform to the
7 applicable federal standards and shall include the taking of fingerprints.
8 Such applicant shall sign a release of information and shall be responsible
9 for the payment of any fee associated with the criminal records check.

10 (b) Upon completion of the criminal records check, the Identification
11 Bureau of the State Police shall forward all information obtained concerning
12 the applicant for a license to the Child Care Facilities Review Board.

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14 SECTION 3. Criminal Records Check - Employees.

15 (a) Any person seeking employment, if that employment involves
16 supervisory or disciplinary power over a child or children, or involves
17 routine contact with a child or children, in any child care facility which is
18 required to be licensed by the board, shall apply to the Identification Bureau
19 of the Arkansas State Police for a nationwide criminal records check, to be
20 conducted through the Federal Bureau of Investigation. The check shall
21 conform to the applicable federal standards and shall include the taking of
22 fingerprints. Upon applying for a criminal records check, such person shall
23 sign a release of information and shall be responsible for the payment of any
24 fee associated with the check.

25 (b) Upon completion of the criminal records check, the Identification
26 Bureau of the State Police shall forward all information obtained concerning
27 the person seeking employment in a child care facility to the Child Care
28 Facilities Review Board.

29 (c) The owner or operator of a child care facility shall maintain on
30 file, subject to inspection by the board, evidence that criminal records
31 checks have been initiated on all employees seeking employment after September
32 1, 1993, and the results of the checks. Failure to maintain that evidence on
33 file will be prima facie grounds to revoke the license of the owner or
34 operator of the child care facility.

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1 SECTION 4. Destruction of Fingerprint Records.

2 At the conclusion of any background check required by this act, the
3 *Identification Bureau* of the Arkansas State Police shall promptly destroy the
4 fingerprint card of the applicant or employee.

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6 SECTION 5. Qualification for Child Care Employment.

7 No person shall be eligible to be a child care facility owner, operator,
8 or employee if that person has been found guilty of any of the following
9 offenses by any court in the State of Arkansas, or in any other state: (1)
10 Capital murder as prohibited in Arkansas Code 5-10-101;

11 (2) Murder in the first and second degrees as prohibited in Arkansas
12 Code 5-10-102 and 5-10-103;

13 (3) Manslaughter as prohibited in Arkansas Code 5-10-104;

14 (4) Battery in the first and second degrees as prohibited in Arkansas
15 Code 5-13-201 and 5-13-202;

16 (5) Aggravated assault as prohibited in Arkansas Code 5-13-204;

17 (6) Terroristic threatening in the first degree as prohibited in
18 Arkansas Code 5-13-301;

19 (7) Kidnapping as prohibited in Arkansas Code 5-11-102;

20 (8) False imprisonment in the first degree as prohibited in Arkansas
21 Code 5-11-103;

22 (9) Permanent detention or restraint as prohibited in Arkansas Code 5-
23 11-106;

24 (10) Rape and carnal abuse in the first and second degrees as prohibited
25 in Arkansas Code 5-14-103 - 5-14-105;

26 (11) Sexual abuse in the first and second degrees as prohibited in
27 Arkansas Code 5-14-108 and 5-14-109;

28 (12) Violation of a minor in the first and second degrees as prohibited
29 in Arkansas Code 5-14-120 and 5-14-121;

30 (13) Incest as prohibited in Arkansas Code 5-26-202;

31 (14) Endangering the welfare of a minor in the first degree as
32 prohibited in Arkansas Code 5-27-203;

33 (15) Permitting child abuse as prohibited in subdivisions (a)(1) and
34 (a)(3) of Arkansas Code 5-27-221;

35 (16) Engaging children in sexually explicit conduct for use in visual or

1 print medium, transportation of minors for prohibited sexual conduct, use of a
2 child or consent to use of a child in sexual performance, by producing,
3 directing, or promoting sexual performance by a child as prohibited in
4 Arkansas Code 5-27-303, 5-27-305, 5-27-402, and 5-27-403; and

5 (17) Criminal attempt, criminal solicitation, or criminal conspiracy as
6 prohibited in Arkansas Code 5-3-201, 5-3-202, 5-3-301 and 5-3-401 to commit
7 any of the offenses listed in this subsection.

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9 SECTION 6. All provisions of this act of a general and permanent
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
11 Code Revision Commission shall incorporate the same in the Code.

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13 SECTION 7. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 8. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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/s/Rep. Pollan

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As Engrossed: 4/8/93

HB 2025

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