

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/21/97

A Bill

HOUSE BILL 2223

4
5 By: Representative Ingram

For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE A CRIMINAL RECORDS CHECK BASED UPON A
10 NAME CHECK WHEN A SET OF LEGIBLE FINGERPRINTS CANNOT BE
11 OBTAINED AFTER A MINIMUM OF THREE (3) ATTEMPTS FOR PERSONS
12 APPLYING FOR A LICENSE ISSUED BY THE STATE BOARD OF
13 EDUCATION OR FOR EMPLOYMENT BY A LOCAL SCHOOL DISTRICT; TO
14 AMEND ARK. CODE ANN. § 6-17-410 PERTAINING TO LETTERS OF
15 PROVISIONAL ELIGIBILITY FOR A LICENSE ISSUED BY THE STATE
16 BOARD OF EDUCATION; TO DECLARE AN EMERGENCY; AND FOR OTHER
17 PURPOSES."

Subtitle

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20 "TO AUTHORIZE CRIMINAL RECORDS CHECKS
21 BASED UPON A NAME CHECK IN CERTAIN
22 INSTANCES."

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

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26 SECTION 1. In any instance where an individual must apply to the
27 Identification Bureau of the Department of Arkansas State Police for a state
28 and nationwide criminal records check as a condition for a license issued by
29 the State Board of Education or as a condition for employment by a local
30 school district and a legible set of fingerprints, as determined by the
31 Identification Bureau of the Arkansas State Police, cannot be obtained after a
32 minimum of three (3) attempts, the Department of Education or the local school
33 district shall determine eligibility for licensure or employment based upon a
34 name check by the Identification Bureau of the Arkansas State Police and the
35 Federal Bureau of Investigation.

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1 SECTION 2. Arkansas Code Annotated § 6-17-410(b)(1) is amended to read
2 as follows:

3 " (b)(1) The State Board of Education is authorized to issue a six-
4 month nonrenewable letter of provisional eligibility for licensure to a first-
5 time applicant pending the results of the criminal records check; provided,
6 however, that the Director of the Department of Education, General Education
7 Division, is authorized to extend the period of provisional eligibility to the
8 end of that contract year if:

9 (A) The applicant is employed by a local school district;
10 and

11 (B) Results of the criminal records check are delayed.

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13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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26 SECTION 6. EMERGENCY. It is found and determined by the General
27 Assembly that in some instances the results of criminal records checks
28 conducted by the Federal Bureau of Investigation on applicants for licensure
29 by the State Board of Education are not received in a timely manner by the
30 Department of Education; that under existing state law such applicants cannot
31 continue in employment with local school districts, thereby creating hardship
32 for school children, the school districts, and the employees and that the
33 immediate implementation of this act is necessary to alleviate such hardship
34 in the current school year. Therefore, an emergency is declared to exist and
35 this act being immediately necessary for the preservation of the public peace,
36 health and safety shall become effective on the date of its approval by the

1 Governor. If the bill is neither approved nor vetoed by the Governor, it
2 shall become effective on the expiration of the period of time during which
3 the Governor may veto the bill. If the bill is vetoed by the Governor and the
4 veto is overridden, it shall become effective on the date the last house
5 overrides the veto.

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/s/Rep. Ingram