

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 6

A Bill

HOUSE BILL 1155

5 By: Representative Gillespie
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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE CRIMINAL BACKGROUND CHECKS
10 FOR EMPLOYMENT AND LICENSURE, INCLUDING
11 EMPLOYMENT AND LICENSURE THROUGH THE STATE BOARD
12 OF EDUCATION BY NON LAW ENFORCEMENT THIRD-PARTY
13 CONTRACTORS; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO AUTHORIZE CRIMINAL BACKGROUND CHECKS
16 FOR EMPLOYMENT AND LICENSURE BY NON LAW
17 ENFORCEMENT THIRD-PARTY CONTRACTORS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. (a)(1) Whenever a criminal background check is required to
24 be performed on a person for employment, licensure, or any other purpose
25 through the Identification Bureau of the Department of Arkansas State Police
26 and the background check mandates the taking of fingerprints for a nationwide
27 criminal records check by the Federal Bureau of Investigation, those
28 requirements may be waived by the employer or licensing entity subject to
29 subdivision (a)(2) of this section.

30 (2)(A) In lieu of a criminal background check through the
31 Identification Bureau of the Department of Arkansas State Police and the
32 Federal Bureau of Investigation, the employer or licensing entity may
33 contract with a non law enforcement third-party contractor to conduct a non
34 fingerprint-based background check on the person before employment or
35 licensure.

36 (B) In order to qualify to provide background checks under



1 this section, the third-party contractor, or his or her agents or employees,
 2 must have the following minimum qualifications:

- 3 (i) Ten (10) years of experience in law enforcement;
- 4 (ii) Five (5) years of experience as a licensed
 5 private investigator;
- 6 (iii) A policy of liability insurance in force for
 7 an amount not less than ten million dollars (\$10,000,000); and
- 8 (iv) Ten (10) years of experience providing criminal
 9 background checks.

10 (3) The third-party shall, if authorized by the person subjected
 11 to the background check, conduct a non fingerprint-based computerized
 12 criminal history records check based on identifiers supplied by the person
 13 subjected to the search which may include name, race, sex, date of birth,
 14 social security number, other alphanumeric identifiers, any aliases, maiden
 15 name, previous names, and any other information which might assist in the
 16 records check.

17 (4) The results of the records check shall be furnished to the
 18 requesting employer or licensing entity.

19 (b) Nothing contained in this act shall:

20 (1) Prevent an employer or licensing entity from requesting a
 21 finger-print based criminal background check through the Identification
 22 Bureau of the Department of Arkansas State Police and the Federal Bureau of
 23 Investigation; and

24 (2) Waive the requirement that a criminal background check be
 25 conducted on persons for employment, licensure or any other purpose as
 26 required under the Arkansas Code, but shall only allow for an alternative
 27 method of obtaining the required criminal background check information.

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29 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 30 General Assembly of the State of Arkansas that the dissemination of complete,
 31 accurate, and timely criminal background check information for employment and
 32 licensure is necessary for the protection of the people of the State of
 33 Arkansas; that often times criminal background checks take a long time to
 34 complete; and that this act is immediately necessary to allow alternative
 35 methods to obtain the required criminal history information. Therefore, an
 36 emergency is declared to exist and this act being immediately necessary for

1 the preservation of the public peace, health, and safety shall become
2 effective on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

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