

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

*As Engrossed: H1/30/04*  
**A Bill**

Call Item 6

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.

28 (c) Within thirty (30) days after receipt of the criminal background  
29 check, the employer shall report the results of the criminal background check  
30 to the appropriate state agency, if any, for final determination of  
31 employment or licensure eligibility.

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33 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
34 General Assembly of the State of Arkansas that the dissemination of complete,  
35 accurate, and timely criminal background check information for employment and  
36 licensure is necessary for the protection of the people of the State of

1 Arkansas; that often times criminal background checks take a long time to  
2 complete; and that this act is immediately necessary to allow alternative  
3 methods to obtain the required criminal history information. Therefore, an  
4 emergency is declared to exist and this act being immediately necessary for  
5 the preservation of the public peace, health, and safety shall become  
6 effective on:

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

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

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

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14 */s/ Gillespie*  
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