1 2	State of Arkansas As Engrossed: H3/10/15 H3/13/15 90th General Assembly As Engrossed: Bill
3	Regular Session, 2015 HOUSE BILL 1618
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5	By: Representative Copeland
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7	For An Act To Be Entitled
8	AN ACT TO LIMIT THE USE OF CRIMINAL RECORDS CHECKS
9	INFORMATION; TO INCREASE OPPORTUNITIES FOR EMPLOYMENT
10	FOR PERSONS WITH CRIMINAL RECORDS; AND FOR OTHER
11	PURPOSES.
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14	Subtitle
15	TO LIMIT THE USE OF CRIMINAL RECORDS
16	CHECKS INFORMATION; AND TO INCREASE
17	OPPORTUNITIES FOR EMPLOYMENT FOR PERSONS
18	WITH CRIMINAL RECORDS.
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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 11, Chapter 3, Subchapter 2, is amended
24	to add an additional section to read as follows:
25	11-3-206. Criminal background checks.
26	(a) An employer shall not conduct or obtain a criminal background
27	check for an applicant for employment until the applicant becomes the
28	finalist or one (1) of the finalists for a position or the employer has
29	extended a conditional offer of employment to the applicant.
30	(b)(1)(A) If the applicant becomes the finalist or one (1) of the
31	finalists for a position or an employer offers an applicant a position of
32	employment, the employer may inquire into and consider a criminal conviction
33	<u>or arrest.</u>
34	(B) However, with respect to an arrest, the employer shall
35	make an inquiry into whether the conduct underlying the arrest makes the
36	applicant unfit for the position.



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1	(2) An applicant shall not be excluded from employment based
2	solely on the fact of an arrest.
3	(c) An employer shall not withhold or withdraw an offer of employment
4	based on an offense that bears no rational relationship to the duties and
5	responsibilities of the position.
6	(d) Before deciding whether to withhold or withdraw an offer of
7	employment based on an applicant's criminal record, the employer shall
8	consider the following:
9	(1) The nature of the applicant's offense, including without
10	limitation whether the offense is categorized as a felony or misdemeanor;
11	(2) Information pertaining to the degree of rehabilitation and
12	good conduct of the applicant, including information produced by the
13	applicant or produced on his or her behalf;
14	(3) Whether the prospective job provides an opportunity for the
15	commission of a similar offense or the offense is otherwise relevant to the
16	job duties of the position;
17	(4) Whether the circumstances leading to the offense are likely
18	to reoccur; and
19	(5) The length of time that has elapsed since the offense.
20	(e) The employer may require that supplemental information provided by
21	or for the applicant be submitted on a timely basis to avoid delay in the
22	hiring process.
23	(f) The employer may consider whether an applicant has truthfully
24	disclosed criminal history information if the applicant's criminal history is
25	requested during the application process.
26	(g) This section does not apply to a criminal background check
27	/s/Copeland
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