

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1373

5 By: Representative Della Rosa
6

For An Act To Be Entitled

8 AN ACT CONCERNING CRIMINAL HISTORY AND CRIMINAL
9 BACKGROUND CHECKS; CONCERNING THE RESULTS OF A
10 CRIMINAL HISTORY OR CRIMINAL BACKGROUND CHECK;
11 CONCERNING A PERSON'S APPLICATION FOR EMPLOYMENT,
12 LICENSURE, COMMISSION, OR CREDENTIAL WITH A PUBLIC OR
13 PRIVATE ENTITY; CONCERNING THE EFFECT OF A LAWFUL
14 SEALING OF A PERSON'S PREVIOUS CRIMINAL HISTORY AND
15 CRIMINAL BACKGROUND; AND FOR OTHER PURPOSES.
16

Subtitle

17
18 CONCERNING CRIMINAL HISTORY AND CRIMINAL
19 BACKGROUND CHECKS; AND CONCERNING THE
20 RESULTS OF A CRIMINAL HISTORY OR CRIMINAL
21 BACKGROUND CHECK WHEN A PERSON HAS A
22 LAWFULLY SEALED CRIMINAL HISTORY OR
23 BACKGROUND.
24

25
26
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 6-17-410(a), concerning the application
30 process for teacher licensure, is amended to read as follows:

31 (a)(1)(A)(i) An applicant for a license issued by the State Board of
32 Education, an applicant for license renewal, and a preservice teacher shall
33 apply to the Identification Bureau of the Department of Arkansas State Police
34 for a statewide and nationwide criminal records check of any criminal history
35 that has not been sealed under the Comprehensive Criminal Record Sealing Act
36 of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged



1 under prior law, to be conducted by the Department of Arkansas State Police
2 and the Federal Bureau of Investigation.

3 (ii) The criminal records check shall conform to the
4 applicable federal standards and shall include the taking of fingerprints as
5 required under § 6-17-417.

6 (iii) The Identification Bureau of the Department of
7 Arkansas State Police may maintain these fingerprints in the automated
8 fingerprint identification system.

9 (iv) An institution of higher education is not
10 required to bar a student from enrollment in an educator preparation program
11 due to a disqualifying offense.

12 (B) The applicant shall sign a release of information to
13 the Department of Education and shall be responsible for the payment of any
14 fee associated with the criminal records check.

15 (2) Upon completion of the criminal records check, the
16 Identification Bureau of the Department of Arkansas State Police shall
17 forward all releasable information obtained concerning the applicant to the
18 Department of Education.

19 (3)(A) An applicant for a license issued by the state board, an
20 applicant for license renewal, and a preservice teacher are required to
21 request through the Department of Education a Child Maltreatment Central
22 Registry check to be conducted by the Department of Human Services.

23 (B) The applicant shall sign a release of information to
24 the Department of Education and is responsible for the payment of any fee
25 associated with the Child Maltreatment Central Registry check.

26 (C) The Department of Human Services shall forward all
27 releasable information concerning the applicant to the Department of
28 Education upon completion of the Child Maltreatment Central Registry check.

29 (D) An institution of higher education is not required to
30 bar a student from enrollment in an educator preparation program due to a
31 true report in the Child Maltreatment Central Registry.

32
33 SECTION 2. Arkansas Code § 6-17-410(c), concerning teacher license
34 issuance or renewal, is amended to read as follows:

35 (c) The state board shall not issue a first-time license nor renew an
36 existing license and shall revoke any existing license not up for renewal of

1 any person who has a true report in the Child Maltreatment Central Registry
2 or has pled guilty or nolo contendere to or has been found guilty of any of
3 the following offenses by any court in the State of Arkansas or of any
4 similar offense by a court in another state or of any similar offense by a
5 federal court, unless the conviction was lawfully sealed under the
6 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
7 otherwise previously sealed or expunged under prior law:

- 8 (1) Capital murder as prohibited in § 5-10-101;
- 9 (2) Murder in the first degree as prohibited in § 5-10-102 and
10 murder in the second degree as prohibited in § 5-10-103;
- 11 (3) Manslaughter as prohibited in § 5-10-104;
- 12 (4) Battery in the first degree as prohibited in § 5-13-201 and
13 battery in the second degree as prohibited in § 5-13-202;
- 14 (5) Aggravated assault as prohibited in § 5-13-204;
- 15 (6) Terroristic threatening in the first degree as prohibited in
16 § 5-13-301;
- 17 (7) Kidnapping as prohibited in § 5-11-102;
- 18 (8) Rape as prohibited in § 5-14-103;
- 19 (9) Sexual assault in the first degree, second degree, third
20 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
- 21 (10) Incest as prohibited in § 5-26-202;
- 22 (11) Engaging children in sexually explicit conduct for use in
23 visual or print media, transportation of minors for prohibited sexual
24 conduct, employing or consenting to the use of a child in a sexual
25 performance, or producing, directing, or promoting a sexual performance by a
26 child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- 27 (12) Distribution to minors as prohibited in § 5-64-406;
- 28 (13) Any felony in violation of the Uniform Controlled
29 Substances Act, § 5-64-101 et seq.;
- 30 (14) Sexual indecency with a child as prohibited in § 5-14-110;
- 31 (15) Endangering the welfare of a minor in the first degree as
32 prohibited in § 5-27-205;
- 33 (16) Pandering or possessing visual or print ~~medium~~ media
34 depicting sexually explicit conduct involving a child as prohibited by § 5-
35 27-304;
- 36 (17) False imprisonment in the first degree as prohibited in §

- 1 5-11-103;
2 (18) Permanent detention or restraint as prohibited in § 5-11-
3 106;
4 (19) Permitting abuse of a child as prohibited in § 5-27-221(a);
5 (20) Negligent homicide as prohibited by § 5-10-105(a);
6 (21) Assault in the first degree as prohibited by § 5-13-205;
7 (22) Coercion as prohibited by § 5-13-208;
8 (23) Public sexual indecency as prohibited by § 5-14-111;
9 (24) Indecent exposure as prohibited by § 5-14-112;
10 (25) Endangering the welfare of a minor in the second degree as
11 prohibited by § 5-27-206;
12 (26) Criminal attempt, criminal solicitation, or criminal
13 conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to
14 commit any of the offenses listed in this subsection;
15 (27) Computer child pornography as prohibited in § 5-27-603;
16 (28) Computer exploitation of a child in the first degree as
17 prohibited in § 5-27-605;
18 (29) Felony theft as prohibited in §§ 5-36-103 – 5-36-106 and 5-
19 36-202;
20 (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
21 (31) Breaking or entering as prohibited by § 5-39-202;
22 (32) Burglary as prohibited by § 5-39-201 and aggravated
23 residential burglary as prohibited by § 5-39-204;
24 (33) Forgery as prohibited by § 5-37-201;
25 (34) Video voyeurism as prohibited by § 5-16-101;
26 (35) Domestic battering in the first degree as prohibited by §
27 5-26-303;
28 (36) Domestic battering in the second degree as prohibited by §
29 5-26-304;
30 (37) Felony violation of an order of protection as prohibited by
31 § 5-53-134;
32 (38) Prostitution as prohibited by § 5-70-102;
33 (39) Sexual solicitation as prohibited by § 5-70-103;
34 (40) Promoting prostitution in the first degree as prohibited by
35 § 5-70-104;
36 (41) Promoting prostitution in the second degree as prohibited

1 by § 5-70-105;

2 (42) Stalking as prohibited by § 5-71-229;

3 (43) Failure to notify by a mandated reporter in the first
4 degree as prohibited by § 12-18-201;

5 (44) Any felony not listed in this subsection and involving
6 physical or sexual injury, mistreatment, or abuse against another;

7 (45) Aggravated assault upon a law enforcement officer or an
8 employee of a correctional facility, § 5-13-211, if a Class Y felony;

9 (46) Sexual extortion, § 5-14-113; and

10 (47) Failure to comply with the registration and reporting
11 requirements of § 12-12-904.

12
13 SECTION 3. Arkansas Code § 6-17-410(d), concerning definitions used in
14 the application process for teacher licensure, is amended to read as follows:

15 (d)(1) ~~For the purposes of~~ As used in this subsection:

16 (A) "Cause" means any of the following:

17 (i) Holding a license obtained by fraudulent means;

18 (ii) Revocation of a license in another state;

19 (iii) Intentionally compromising the validity or
20 security of any student test or testing program administered by or required
21 by the state board or the Department of Education;

22 (iv) Having the completed examination test score of
23 any testing program required by the state board for teacher licensure
24 declared invalid by the testing program company and so reported to the
25 Department of Education by the testing company;

26 ~~(v) Having a sealed, an expunged, or a pardoned~~
27 ~~conviction for any sexual or physical abuse offense committed against a child~~
28 ~~or any offense in subsection (c) of this section;~~

29 ~~(vi)~~(v) Being subject to the provisions of § 12-12-
30 905;

31 ~~(vii)~~(vi) Failing to establish or maintain the
32 necessary requirements and standards set forth in Arkansas law or state board
33 rules for teacher licensure;

34 ~~(viii)~~(vii) Knowingly submitting or providing false
35 or misleading information or knowingly failing to submit or provide
36 information requested or required by law to the Department of Education, the

1 state board, or Arkansas Legislative Audit;

2 ~~(ix)~~(viii) Knowingly falsifying or directing another
 3 to falsify any grade given to a student, whether the grade was given for an
 4 individual assignment or examination or at the conclusion of a regular
 5 grading period; or

6 ~~(x)~~(ix) Having a true report in the Child
 7 Maltreatment Central Registry; and

8 (B) "Child" means a person under twenty-one (21) years of
 9 age or enrolled in the public schools of the State of Arkansas.

10 (2) For cause as stated in this subsection, the state board ~~is~~
 11 ~~authorized to~~ may:

12 (A) Revoke a license permanently;

13 (B) Suspend a license for a terminable period of time or
 14 indefinitely; or

15 (C) Place a person on probationary status for a terminable
 16 period of time with the license to be revoked or suspended if the
 17 probationary period is not successfully completed.

18
 19 SECTION 4. Arkansas Code § 6-17-410(g), concerning a superintendent's
 20 duties in regards to employees of the school, is amended to read as follows:

21 (g)(1) The superintendent of each school district or open-enrollment
 22 public charter school shall report to the state board the name of any person
 23 holding a license issued by the state board and currently employed or
 24 employed during the two (2) previous school years by the school district or
 25 open-enrollment public charter school who:

26 (A) Has pleaded guilty or nolo contendere to or has been
 27 found guilty of a felony or any misdemeanor listed in subsection (c) of this
 28 section, unless the conviction was lawfully sealed under the Comprehensive
 29 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
 30 previously sealed or expunged under prior law;

31 (B) Holds a license obtained by fraudulent means;

32 (C) Has had a similar license revoked in another state;

33 (D) Has intentionally compromised the validity or security
 34 of any student test or testing program administered or required by the
 35 Department of Education;

36 (E) Has knowingly submitted falsified information or

1 failed to submit information requested or required by law to the Department
 2 of Education, the state board, or Arkansas Legislative Audit;

3 (F) Has failed to establish or maintain the necessary
 4 requirements and standards set forth in Arkansas law or Department of
 5 Education rules for teacher licensure; or

6 (G) Has a true report in the Child Maltreatment Central
 7 Registry.

8 (2) Failure of a superintendent to report information as
 9 required by this subsection may result in sanctions imposed by the state
 10 board.

11
 12 SECTION 5. Arkansas Code § 6-17-411(a) and (b), concerning criminal
 13 records checks as a condition of educator employment, are amended to read as
 14 follows:

15 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,
 16 the board of directors of an educational entity shall require as a condition
 17 for initial employment by the educational entity that ~~any~~ a person holding a
 18 license issued by the State Board of Education and making application for
 19 employment authorize release to the Department of Education the results of:

20 (i) Statewide and nationwide criminal records checks
 21 by the Identification Bureau of the Department of Arkansas State Police ~~which~~
 22 ~~conform~~ of any criminal history that has not been sealed under the
 23 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
 24 otherwise previously sealed or expunged under prior law, that conform to the
 25 applicable federal standards and include the taking of the applicant's
 26 fingerprints; and

27 (ii) The Child Maltreatment Central Registry check
 28 by the Department of Human Services.

29 (B)(i) The board of directors of a school district created
 30 by consolidation, annexation, or detachment may waive the requirements under
 31 subdivision (a)(1)(A) of this section for personnel who were employed by an
 32 affected district immediately before the annexation, consolidation, or
 33 detachment and who had a complete criminal ~~background~~ records check conducted
 34 as a condition of the person's most recent employment with the affected
 35 district as required under this section.

36 (ii) As used in subdivision (a)(1)(B)(i) of this

1 section, "affected district" means a school district that loses territory or
2 students as a result of annexation, consolidation, or detachment.

3 (2) Unless the employing educational entity's board of directors
4 has taken action to pay for the cost of criminal ~~background records~~ records checks or
5 the Child Maltreatment Central Registry checks required by this section, the
6 employment applicant shall be responsible for the payment of any fee
7 associated with the criminal records ~~check~~ checks and the Child Maltreatment
8 Central Registry check.

9 (3) At the conclusion of the criminal records ~~check~~ checks
10 required by this section, the Identification Bureau of the Department of
11 Arkansas State Police may maintain the fingerprints in the automated
12 fingerprint identification system.

13 (4)(A) Any information received by the Department of Education
14 from the Identification Bureau of the Department of Arkansas State Police or
15 the Department of Human Services ~~pursuant to~~ under this section shall not be
16 available for examination except by the affected applicant for employment or
17 his or her duly authorized representative, and no record, file, or document
18 shall be removed from the custody of the Department of Education.

19 (B) Any information made available to the affected
20 applicant for employment shall be information pertaining to that applicant
21 only.

22 (C) Rights of privilege and confidentiality established
23 under this section shall not extend to any document created for purposes
24 other than ~~this background check~~ the criminal records checks or the Child
25 Maltreatment Central Registry check.

26 (5) The Department of Education shall promptly inform the board
27 of directors of the educational entity whether or not the affected applicant
28 is eligible for employment as provided by subsection (b) of this section.

29 (b)(1)(A) ~~No~~ A person holding a license from the state board ~~shall be~~
30 is not eligible for employment by an educational entity if the results of the
31 criminal records ~~check~~ checks released to the Department of Education by the
32 applicant reveal that the applicant has pleaded guilty or nolo contendere to
33 or has been found guilty of ~~any~~ an offense that will or may result in license
34 revocation by the state board under § 6-17-410, unless:

35 (i) the ~~the~~ The state board waives revocation; or

36 (ii) The conviction was lawfully sealed under the

1 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
 2 otherwise previously sealed or expunged under prior law.

3 (B) ~~No~~ A person holding a license issued by the state
 4 board ~~shall be~~ is not eligible for employment by an educational entity if the
 5 results of the Child Maltreatment Central Registry check released to the
 6 Department of Education reveal that the applicant has a true report in the
 7 Child Maltreatment Central Registry, unless the state board waives revocation
 8 under § 6-17-410.

9 (2) However, the board of directors of an educational entity ~~is~~
 10 ~~authorized to~~ may offer provisional employment to the affected applicant
 11 pending notification from the Department of Education that the:

12 (A) Applicant is eligible for employment based on the
 13 ~~background checks~~ criminal records checks and the Child Maltreatment Central
 14 Registry check; or

15 (B) State board has waived the disqualifying offense or
 16 placement on the Child Maltreatment Central Registry.

17
 18 SECTION 6. Arkansas Code § 6-17-414(a) and (b), concerning criminal
 19 records checks as a condition for initial employment of nonlicensed personnel
 20 at a school, are amended to read as follows:

21 (a)(1)(A)(i) Except as provided in subdivision (a)(1)(C) of this
 22 section, the board of directors of an educational entity shall require as a
 23 condition for initial employment or noncontinuous reemployment in a
 24 nonlicensed staff position any person making application to apply to the
 25 Identification Bureau of the Department of Arkansas State Police for
 26 statewide and nationwide criminal records checks of any criminal history that
 27 has not been sealed under the Comprehensive Criminal Record Sealing Act of
 28 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under
 29 prior law, the latter to be conducted by the Federal Bureau of Investigation.

30 (ii) The criminal records checks shall conform to
 31 the applicable federal standards and shall include the taking of fingerprints
 32 as required under § 6-17-417.

33 (iii) The Identification Bureau of the Department of
 34 Arkansas State Police and the Federal Bureau of Investigation may maintain
 35 these fingerprints in the automated fingerprint identification system.

36 (B)(i) The person shall sign a release of information to

1 the Department of Education.

2 (ii) Unless the employing educational entity's board
3 of directors has taken action to pay for the cost of criminal ~~background~~
4 records checks required by this section, the employment applicant shall be
5 responsible for the payment of any fee associated with the criminal records
6 checks.

7 (C)(i) The board of directors of a school district created
8 by consolidation, annexation, or detachment may waive the requirements under
9 subdivisions (a)(1)(A) and (B) of this section for personnel who were
10 employed by an affected district immediately before the annexation,
11 consolidation, or detachment and who had complete criminal ~~background~~ records
12 checks conducted as a condition of the person's most recent employment with
13 the affected district as required under this section.

14 (ii) As used in subdivision (a)(1)(C)(i) of this
15 section, "affected district" means a school district that loses territory or
16 students as a result of annexation, consolidation, or detachment.

17 (2)(A) Upon completion of the criminal records ~~check~~ checks, the
18 Identification Bureau of the Department of Arkansas State Police shall
19 forward all releasable information obtained concerning the person to the
20 Department of Education, which shall promptly inform the board of directors
21 of the educational entity whether or not the applicant is eligible for
22 employment as provided by subsection (b) of this section.

23 (B) An expunged, sealed, or pardoned conviction shall not
24 disqualify a person under this section ~~if the conviction is:~~

25 ~~(i) Ten (10) or more years old; and~~

26 ~~(ii) Does not involve the physical or sexual injury,~~
27 ~~mistreatment, or abuse of another.~~

28 (3)(A) The board of directors of an educational entity shall
29 require as a condition for initial employment or noncontinuous reemployment
30 of all nonlicensed personnel a Child Maltreatment Central Registry check by
31 the Department of Human Services.

32 (B) The applicant shall sign a release of information to
33 the Department of Education and shall be responsible for the payment of any
34 fee associated with the Child Maltreatment Central Registry check.

35 (C) The Department of Human Services shall forward all
36 releasable information concerning the applicant to the Department of

1 Education upon completion of the Child Maltreatment Central Registry check.

2 (b) ~~No~~ A person, including without limitation ~~nonlicensed persons who~~
 3 ~~provide a nonlicensed person who provides~~ services as a substitute teacher,
 4 ~~shall be~~ is not eligible for employment, whether initial employment,
 5 reemployment, or continued employment, by an educational entity in a
 6 nonlicensed staff position if that person has a true report in the Child
 7 Maltreatment Central Registry or has pled guilty or nolo contendere to or has
 8 been found guilty of any of the following offenses by any court in the State
 9 of Arkansas or of any similar offense by a court in another state or of any
 10 similar offense by a federal court, unless the conviction was lawfully sealed
 11 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
 12 seq., or otherwise previously sealed or expunged under prior law:

13 (1) Capital murder as prohibited in § 5-10-101;

14 (2) Murder in the first degree as prohibited in § 5-10-102 and
 15 murder in the second degree as prohibited in § 5-10-103;

16 (3) Manslaughter as prohibited in § 5-10-104;

17 (4) Battery in the first degree as prohibited in § 5-13-201 and
 18 battery in the second degree as prohibited in § 5-13-202;

19 (5) Aggravated assault as prohibited in § 5-13-204;

20 (6) Terroristic threatening in the first degree as prohibited in
 21 § 5-13-301;

22 (7) Kidnapping as prohibited in § 5-11-102;

23 (8) Rape as prohibited in § 5-14-103;

24 (9) Sexual assault in the first degree, second degree, third
 25 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;

26 (10) Incest as prohibited in § 5-26-202;

27 (11) Engaging children in sexually explicit conduct for use in
 28 visual or print media, transportation of minors for prohibited sexual
 29 conduct, employing or consenting to the use of a child in a sexual
 30 performance, or producing, directing, or promoting a sexual performance by a
 31 child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;

32 (12) Distribution to minors as prohibited in § 5-64-406;

33 (13) Any felony in violation of the Uniform Controlled
 34 Substances Act, § 5-64-101 et seq.;

35 (14) Criminal attempt, criminal solicitation, or criminal
 36 conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to

1 commit any of the offenses listed in this subsection;

2 (15) Sexual indecency with a child as prohibited in § 5-14-110;

3 (16) Endangering the welfare of a minor in the first degree as
4 prohibited in § 5-27-205;

5 (17) Pandering or possessing visual or print ~~medium~~ media
6 depicting sexually explicit conduct involving a child as prohibited by § 5-
7 27-304;

8 (18) False imprisonment in the first degree as prohibited in §
9 5-11-103;

10 (19) Permanent detention or restraint as prohibited in § 5-11-
11 106;

12 (20) Permitting abuse of a child as prohibited in § 5-27-221(a);

13 (21) Negligent homicide as prohibited by § 5-10-105(a);

14 (22) Assault in the first degree as prohibited by § 5-13-205;

15 (23) Coercion as prohibited by § 5-13-208;

16 (24) Public sexual indecency as prohibited by § 5-14-111;

17 (25) Indecent exposure as prohibited by § 5-14-112;

18 (26) Endangering the welfare of a minor in the second degree as
19 prohibited by § 5-27-206;

20 (27) Computer child pornography as prohibited in § 5-27-603;

21 (28) Computer exploitation of a child in the first degree as
22 prohibited in § 5-27-605;

23 (29) Felony theft as prohibited in §§ 5-36-103 – 5-36-106 and 5-
24 36-202;

25 (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;

26 (31) Breaking or entering as prohibited by § 5-39-202;

27 (32) Burglary as prohibited by § 5-39-201 and aggravated
28 residential burglary as prohibited by § 5-39-204;

29 (33) Forgery as prohibited by § 5-37-201;

30 (34) Video voyeurism as prohibited by § 5-16-101;

31 (35) Domestic battering in the first degree as prohibited by §
32 5-26-303;

33 (36) Domestic battering in the second degree as prohibited by §
34 5-26-304;

35 (37) Felony violation of an order of protection as prohibited by
36 § 5-53-134;

- 1 (38) Prostitution as prohibited by § 5-70-102;
 2 (39) Sexual solicitation as prohibited by § 5-70-103;
 3 (40) Promoting prostitution in the first degree as prohibited by
 4 § 5-70-104;
 5 (41) Promoting prostitution in the second degree as prohibited
 6 by § 5-70-105;
 7 (42) Stalking as prohibited by § 5-71-229;
 8 (43) Failure to notify by a mandated reporter in the first
 9 degree as prohibited by § 12-18-201;
 10 (44) Any felony not listed in this subsection and involving
 11 physical or sexual injury, mistreatment, or abuse against another;
 12 (45) Aggravated assault upon a law enforcement officer or an
 13 employee of a correctional facility, § 5-13-211, if a Class Y felony;
 14 (46) Sexual extortion, § 5-14-113; and
 15 (47) Failure to comply with the registration and reporting
 16 requirements of § 12-12-904.

17
 18 SECTION 7. Arkansas Code § 6-17-414(e), concerning criminal records
 19 checks as a condition for initial employment of nonlicensed personnel at a
 20 school, is amended to read as follows:

21 (e) The State Board of Education shall determine that an applicant for
 22 employment with an educational entity in a nonlicensed staff position is
 23 ineligible for employment if the applicant:

24 (1) Is required to pass an examination as a requirement of his
 25 or her position and the applicant's completed examination test score was
 26 declared invalid because of the applicant's improper conduct;

27 ~~(2) Has a sealed, an expunged, or a pardoned conviction for any~~
 28 ~~sexual or physical abuse offense committed against a child or any offense~~
 29 ~~listed in subsection (b) of this section;~~

30 (3)(2) Is subject to the provisions of § 12-12-905;

31 (4)(3) Knowingly submits or provides false or misleading
 32 information or knowingly fails to submit or provide information requested or
 33 required by law to the Department of Education, the state board, or Arkansas
 34 Legislative Audit;

35 (5)(4) Knowingly falsifies or directs another to falsify any
 36 grade given to a student, whether the grade was given for an individual

1 assignment or examination or at the conclusion of a regular grading period;
2 or

3 ~~(6)~~(5) Has a true report in the Child Maltreatment Central
4 Registry.

5
6 SECTION 8. Arkansas Code § 6-17-414(f), concerning criminal offenses
7 and other acts committed by nonlicensed personnel at a school, is amended to
8 read as follows:

9 (f)(1) The superintendent or director of an educational entity or a
10 ~~third-party~~ third-party vendor shall report to the state board the name of
11 any person currently employed by the educational entity who:

12 (A) Has pleaded guilty or nolo contendere to or has been
13 found guilty of a felony or any misdemeanor listed in subsection (b) of this
14 section, unless the conviction was lawfully sealed under the Comprehensive
15 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
16 previously sealed or expunged under prior law;

17 (B) Has intentionally compromised the validity or security
18 of any student test or testing program administered or required by the
19 Department of Education;

20 (C) Has knowingly submitted falsified information or
21 failed to submit information requested or required by law to the Department
22 of Education, the state board, or Arkansas Legislative Audit; or

23 (D) Has a true report in the Child Maltreatment Central
24 Registry.

25 (2) The failure of a superintendent or director to report
26 information as required by this subsection may result in sanctions imposed by
27 the state board.

28
29 SECTION 9. Arkansas Code § 6-17-421(b) and (c), concerning the
30 criminal records check for fraudulent acts by a fiscal officer of an
31 educational entity, are amended to read as follows:

32 (b)(1)(A) Upon making application for employment in a position as a
33 fiscal officer of an educational entity, the board of directors of the
34 educational entity shall require the employment applicant to authorize
35 release to the Department of Education the results of statewide and
36 nationwide criminal records checks by the Identification Bureau of the

1 Department of Arkansas State Police of any criminal history that has not been
2 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-
3 1401 et seq., or otherwise previously sealed or expunged under prior law.

4 (B) Unless the employing educational entity's board of
5 directors has taken action to pay for the cost of criminal ~~background~~ records
6 checks required by this section, the employment applicant shall be
7 responsible for the payment of any fee associated with the criminal records
8 ~~check~~ checks.

9 (2)(A) The criminal ~~background-check~~ records checks shall
10 conform to the applicable federal standards and include the taking of the
11 employment applicant's or currently employed fiscal officer's fingerprints.

12 (B) At the conclusion of the criminal records ~~check~~ checks
13 required by this section, the Identification Bureau of the Department of
14 Arkansas State Police may maintain the fingerprints in the automated
15 fingerprint identification system.

16 (3)(A) Any information received by the Department of Education
17 from the Identification Bureau of the Department of Arkansas State Police or
18 the Department of Human Services pursuant to this section shall not be
19 available for examination except by the affected applicant for employment or
20 his or her duly authorized representative, and no record, file, or document
21 shall be removed from the custody of the Department of Education.

22 (B) Any information made available to the affected
23 employment applicant or fiscal officer shall be information pertaining to
24 that applicant only.

25 (C) Rights of privilege and confidentiality established
26 under this section shall not extend to any document created for purposes
27 other than the ~~background-check~~ criminal records checks.

28 (4) The Department of Education shall promptly inform the board
29 of directors of the educational entity whether or not the affected employment
30 applicant is eligible for employment as provided in this subsection.

31 (c)(1) ~~No~~ A person shall be is not eligible for employment as a fiscal
32 officer by an educational entity if the results of the criminal records ~~check~~
33 checks released to the Department of Education by the applicant reveal that
34 the applicant has pleaded guilty or nolo contendere to or has been found
35 guilty of a fraudulent act ~~but~~, unless the conviction was lawfully sealed
36 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et

1 seq., or otherwise previously sealed or expunged under prior law, and only
2 after an opportunity for a hearing before the State Board of Education upon
3 reasonable notice in writing.

4 (2) However, the board of directors of an educational entity ~~is~~
5 ~~authorized to~~ may offer provisional employment to the affected applicant
6 pending receipt of eligibility information from the Department of Education.
7

8 SECTION 10. Arkansas Code § 7-9-601(b), concerning background checks
9 of paid canvassers, is amended to read as follows:

10 (b)(1) To verify that there are no criminal offenses on record, a
11 sponsor shall obtain, at its cost, from the Department of Arkansas State
12 Police, a current state and federal criminal record search of any convictions
13 that were not lawfully sealed under the Comprehensive Criminal Record Sealing
14 Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged
15 under prior law on every paid canvasser to be registered with the Secretary
16 of State.

17 (2) The criminal record search shall be obtained within thirty
18 (30) days before the date that the paid canvasser begins collecting
19 signatures.

20 (3) Upon submission of its list of paid canvassers to the
21 Secretary of State, the sponsor shall certify to the Secretary of State that
22 each paid canvasser in its employ has passed a criminal background check in
23 accordance with this section.

24 (4) A willful violation of this section by a sponsor or paid
25 canvasser constitutes a Class A misdemeanor.

26 (5) Signatures incorrectly obtained or submitted under this
27 section shall not be counted by the Secretary of State.
28

29 SECTION 11. Arkansas Code § 9-28-402(17), concerning the definition of
30 "provisional foster home" under the Child Welfare Agency Licensing Act, is
31 amended to read as follows:

32 (17) "Provisional foster home" means a foster home opened for no
33 more than six (6) months by the Division of Children and Family Services of
34 the Department of Human Services for a relative or fictive kin of a child in
35 the custody of the Division of Children and Family Services of the Department
36 of Human Services after it:

1 (A) Determines that placement with the proposed fictive
2 kin or relative is in the best interest of the child;

3 (B) Conducts a health and safety check, including a
4 ~~central registry~~ Child Maltreatment Central Registry check and a criminal
5 background check of any convictions that were not lawfully sealed under the
6 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
7 otherwise previously sealed or expunged under prior law, or a check with
8 local law enforcement, of the relative's home or home of the fictive kin; and

9 (C) Performs a visual inspection of the home of the
10 relative or fictive kin to verify that the relative or fictive kin and the
11 home will meet the standards for opening a regular foster home;

12
13 SECTION 12. Arkansas Code § 11-11-225(14), concerning miscellaneous
14 restrictions and requirements for private employment agencies, is amended to
15 read as follows:

16 (14) Any information regarding an applicant's background or
17 credit, from whatever source obtained, shall be used for no purpose other
18 than assisting the applicant in securing employment. However, an employment
19 agency may use background and credit information, excluding criminal history
20 background that was lawfully sealed under the Comprehensive Criminal Record
21 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or
22 expunged under prior law, regarding an applicant in determining whether to
23 conduct placement services for the applicant if the applicant gives written
24 authorization for securing the information and understands the purpose for
25 which the information is secured;

26
27 SECTION 13. Arkansas Code § 12-9-106(b), concerning the requirements
28 for certified law enforcement officers, is amended to read as follows:

29 (b)(1) In addition to the requirements of subsection (a) of this
30 section and § 12-9-104(7), the commission, by rules and regulations, shall
31 fix such other qualifications as it deems necessary.

32 (2) However, ~~no~~ a person who pleads or is found guilty of a
33 felony ~~shall be~~ is not eligible to be appointed or certified as a law
34 enforcement officer, unless the conviction was lawfully sealed under the
35 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
36 otherwise previously sealed or expunged under prior law.

1
2 SECTION 14. Arkansas Code § 12-10-306 is amended to read as follows:
3 12-10-306. Public safety communications personnel.

4 (a) The staff and supervisors of the 911 public safety communications
5 center and systems shall be:

6 (1) Paid employees, either sworn officers or civilians, of the
7 operating agency designated by the chief executive of the political
8 subdivisions. Personnel other than law enforcement or fire officers will be
9 considered public safety officers for the purposes of public safety
10 communications;

11 (2) Required to submit to employment background investigations,
12 but not a criminal history background for convictions that were lawfully
13 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-
14 1401 et seq., or otherwise previously sealed or expunged under prior law, for
15 security clearances prior to accessing files available through the Arkansas
16 Crime Information Center if the center is charged with information service
17 functions for criminal justice agencies of the political subdivision;

18 (3) Trained in operation of 911 system equipment and other
19 training as necessary to operate a 911 public safety communications center;

20 (4) Subject to the authority of the chief executive through
21 their agency; and

22 (5)(A) Required to immediately release without the consent or
23 approval of any supervisor or other entity any information in their custody
24 or control to a prosecuting attorney if requested by a subpoena issued by a
25 prosecutor, grand jury, or any court for use in the prosecution or the
26 investigation of any criminal or suspected criminal activity.

27 (B) The staff or supervisor of a 911 public safety
28 communications center, an operating agency, and the service supplier are not
29 liable in any civil action as a result of complying with a subpoena as
30 required in subdivision (a)(5)(A) of this section.

31 (b)(1) In order to attract and retain professional communications
32 personnel to supervise and operate 911 public safety communications centers
33 and systems, staffing plans are recommended to be based on the level of
34 service, population of the service area, and other duties of the center.

35 (2) Compensatory and retirement plans and levels of supervision
36 for 911 public safety communications centers employing personnel who are not

1 sworn law enforcement personnel or firefighters are recommended to be
2 comparable to public safety officers of similar levels of responsibility of
3 the political subdivision.

4
5 SECTION 15. Arkansas Code § 12-12-1502 is amended to read as follows:
6 12-12-1502. Intent.

7 (a) It is the intent of this subchapter to:

8 (1) Provide one (1) source for obtaining the most accurate and
9 complete criminal history information;

10 (2)(A) Allow dissemination of criminal history information to
11 employers, professional licensing boards, and any entity mandated by Arkansas
12 law to perform background checks through the Department of Arkansas State
13 Police pertaining to all felony arrest information and all conviction
14 information, unless the dissemination is otherwise prohibited by law.

15 (B) A person's criminal history information that was
16 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
17 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
18 law shall not be disseminated to a requestor who is requesting the criminal
19 history information for employment or licensing purposes;

20 (3) With the written consent of the student or prospective
21 student, allow electronic dissemination of criminal history information to an
22 institution of higher education for a student enrolled in, and a prospective
23 student seeking enrollment in, a medical, nursing, pharmacy, or other health-
24 related course of study at an institution of higher education located in
25 Arkansas;

26 (4) Allow dissemination of criminal history information to the
27 Arkansas Public Defender Commission for use in defense of criminal
28 defendants. Expunged and sealed criminal history information shall be
29 released to the commission only for the purposes of use for impeachment of
30 witnesses; and

31 (5) Allow dissemination of criminal history information to the
32 public upon proper request and payment without requiring the written consent
33 of the subject of the request.

34 (b)(1) The department shall be the agency responsible for the
35 dissemination of criminal history information under this subchapter.

36 (2) The Arkansas Crime Information Center may disseminate

1 criminal history information as authorized by law.

2 (c) Felony arrest information that has had a disposition of acquittal,
3 dismissal, or nolle prosequi entered into the central repository shall not be
4 released under this subchapter.

5
6 SECTION 16. Arkansas Code § 12-12-1504 is amended to read as follows:

7 12-12-1504. Information required – Exceptions.

8 (a) The Department of Arkansas State Police and the Arkansas Crime
9 Information Center shall disseminate criminal history information pertaining
10 to any felony arrest, detention, indictment, information, or other formal
11 felony criminal charge to the extent entries have been made at the time of
12 the request for the criminal history information, unless the requestor is
13 requesting the criminal history information for employment or licensing
14 purposes, in which case the department and the center shall not disseminate
15 any record of a conviction that was lawfully sealed under the Comprehensive
16 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
17 previously sealed or expunged under prior law.

18 (b) Any event, activity, or any portion of the criminal history
19 information which has not been processed by the department or the center
20 shall not be required to be included in the dissemination.

21 (c) Requests for information, supporting documents, and any responses
22 under this subchapter are not subject to disclosure under the Freedom of
23 Information Act of 1967, § 25-19-101 et seq.

24 (d) This subchapter shall not affect any record or information that
25 may be accessed by the public under the Freedom of Information Act of 1967, §
26 25-19-101 et seq.

27
28 SECTION 17. Arkansas Code § 15-5-214 is amended to read as follows:

29 15-5-214. Criminal background check.

30 (a) The Arkansas Development Finance Authority may require a state and
31 federal criminal background check, which shall conform to the applicable
32 federal standards and shall include the taking of fingerprints of an:

33 (1) Applicant of a program administered by the authority,
34 including individual members of an entity that may participate in a program
35 administered by the authority;

36 (2) Applicant for employment with the authority; or

1 (3) Employee of the authority.

2 (b) The criminal background check shall be performed through the
 3 Identification Bureau of the Department of Arkansas State Police and the
 4 Federal Bureau of Investigation but shall not contain any record of a
 5 conviction that was lawfully sealed under the Comprehensive Criminal Record
 6 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or
 7 expunged under prior law.

8 (c) Prior to a criminal background check, the applicant or employee
 9 shall sign a release authorizing the background check.

10 (d) The results of the background check shall be used by the authority
 11 to determine the fitness or suitability of:

12 (1) The applicant for participation in an authority program or
 13 for employment with the authority; or

14 (2) An employee for continued employment with the authority.

15 (e) The authority shall treat the criminal background information of
 16 an applicant or employee as confidential.

17 (f) A criminal background check obtained under this section shall be
 18 destroyed by the authority within six (6) months of the receipt of the
 19 background check.

20 (g) The authority shall promulgate rules for the requesting and use of
 21 criminal background checks under this section.

22

23 SECTION 18. Arkansas Code § 16-90-1416 is amended to read as follows:
 24 16-90-1416. Release of sealed records.

25 (a) The custodian of a sealed record shall not disclose the existence
 26 of the sealed record or release the sealed record except when requested by:

27 (1) The person whose record was sealed or the person's attorney
 28 when authorized in writing by the person;

29 ~~(2) A criminal justice agency, as defined in § 12-12-1001, and~~
 30 ~~the request is accompanied by a statement that the request is being made in~~
 31 ~~conjunction with:~~

32 ~~(A) An application for employment with the criminal~~
 33 ~~justice agency by the person whose record has been sealed; or~~

34 ~~(B) A criminal background check under the Polygraph~~
 35 ~~Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency,~~
 36 ~~Private Investigator, and School Security Licensing and Credentialing Act, §~~

1 ~~17-40-101 et seq.;~~

2 ~~(3)~~(2) A court, upon a showing of:

3 (A) A subsequent adjudication of guilt of the person whose
4 record has been sealed; or

5 (B) Another good reason shown to be in the interests of
6 justice;

7 ~~(4)~~(3) A prosecuting attorney, and the request is accompanied by
8 a statement that the request is being made for a criminal justice purpose;

9 ~~(5) A state agency or board engaged in the licensing of~~
10 ~~healthcare professionals;~~ or

11 ~~(6)~~(4) The Arkansas Crime Information Center.

12 (b)(1) As used in this section, "custodian" does not mean the Arkansas
13 Crime Information Center.

14 (2) Access to data maintained by the center shall be governed by
15 § 12-12-1001 et seq.

16
17 SECTION 19. Arkansas Code § 16-90-1417(b), concerning the effect of
18 sealing a person's prior criminal history, is amended to read as follows:

19 (b)(1) Upon the entry of the uniform order, the person's underlying
20 conduct shall be deemed as a matter of law never to have occurred, and the
21 person may state that the underlying conduct did not occur and that a record
22 of the person that was sealed does not exist.

23 (2) This subchapter does not prevent the use of the record of a
24 prior conviction otherwise sealed under this subchapter for the following
25 purposes:

26 (A) A criminal proceeding for any purpose not otherwise
27 prohibited by law;

28 (B) Determination of offender status under the former § 5-
29 64-413;

30 (C) Habitual offender status, § 5-4-501 et seq.;

31 (D) Impeachment upon cross-examination as dictated by the
32 Arkansas Rules of Evidence;

33 ~~(E) Healthcare professional licensure by a state agency or~~
34 ~~board;~~ or

35 ~~(F)~~(E) Any disclosure mandated by Rule 17, 18, or 19 of
36 the Arkansas Rules of Criminal Procedure.

1
2 SECTION 20. Arkansas Code § 17-12-303(b), concerning criminal
3 background checks for the Arkansas State Board of Public Accountancy, is
4 amended to read as follows:

5 (b) The criminal background checks shall conform to the applicable
6 federal standards and shall include the taking of fingerprints but shall not
7 include any record of a conviction that was lawfully sealed under the
8 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
9 otherwise previously sealed or expunged under prior law.

10
11 SECTION 21. Arkansas Code § 17-14-405(c), concerning the requirements
12 of an initial or renewal certificate under the Appraisal Management Company
13 Registration Act, is amended to read as follows:

14 (c) The board shall issue an initial or a renewal certificate of
15 registration to an applicant authorizing the applicant to act or offer to act
16 as an appraisal management company in this state upon:

17 (1) Receipt of a properly completed application;

18 (2) Payment of the required fee;

19 (3) Posting of a bond; and

20 (4)(A) Determination by the board that the activities of the
21 applicant will be directed and conducted by persons of good moral character.

22 (B) The determination of the board under subdivision
23 (c)(4)(A) of this section shall consider the results of all fingerprint-based
24 criminal history reports, but a criminal history report shall not include any
25 record of a conviction that was lawfully sealed under the Comprehensive
26 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
27 previously sealed or expunged under prior law.

28
29 SECTION 22. Arkansas Code § 17-17-312(a), concerning a criminal
30 background check to become a licensed auctioneer, is amended to read as
31 follows:

32 (a)(1) ~~Beginning July 16, 2003, each~~ A first-time applicant for a
33 license issued by the Auctioneer's Licensing Board and each applicant seeking
34 reinstatement of an expired license from the board shall ~~be required to~~ apply
35 to the Identification Bureau of the Department of Arkansas State Police for a
36 state and national criminal background check to be conducted by the Federal

1 Bureau of Investigation.

2 (2) The criminal background check required under this section
3 shall not include any record of a conviction that was lawfully sealed under
4 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.,
5 or otherwise previously sealed or expunged under prior law.

6
7 SECTION 23. Arkansas Code § 17-27-313(a), concerning the criminal
8 background check required to become a licensed counselor, is amended to read
9 as follows:

10 (a)(1) The Arkansas Board of Examiners in Counseling may require each
11 applicant for license renewal and each first-time applicant for a license
12 issued by the board to apply to the Identification Bureau of the Department
13 of Arkansas State Police for a state and national criminal background check,
14 to be conducted by the Identification Bureau of the Department of Arkansas
15 State Police and the Federal Bureau of Investigation.

16 (2) The criminal background check required under this section
17 shall not include any record of a conviction that was lawfully sealed under
18 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.,
19 or otherwise previously sealed or expunged under prior law.

20
21 SECTION 24. Arkansas Code § 17-39-212(b), concerning criminal
22 background checks conducted by the Department of Arkansas State Police for a
23 potential polygraph examiner or intern polygraph examiner, is amended to read
24 as follows:

25 (b) The state and national criminal background check shall conform to
26 applicable federal standards and shall include the taking of fingerprints but
27 shall not include any record of a conviction that was lawfully sealed under
28 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.,
29 or otherwise previously sealed or expunged under prior law.

30
31 SECTION 25. Arkansas Code § 17-39-309(b), concerning criminal
32 background checks conducted by the Department of Arkansas State Police for a
33 potential voice stress analysis examiner, is amended to read as follows:

34 (b) The state and national criminal background check shall
35 conform to applicable federal standards and shall include the taking of
36 fingerprints but shall not include any record of a conviction that was

1 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
2 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
3 law.

4
5 SECTION 26. Arkansas Code § 17-40-307(e), concerning the criminal
6 background check required for a license or credential other than that for a
7 commissioned security officer or commissioned school security officer, is
8 amended to read as follows:

9 (e)(1)(A) Each first-time applicant and applicant for license or
10 credential renewal shall apply to the Department of Arkansas State Police for
11 a state and national criminal background check to be conducted by the
12 department and the Federal Bureau of Investigation.

13 (B) Criminal history records from the Arkansas Crime
14 Information Center shall be available to the director for the review of
15 applicant qualification.

16 (2) The state and national criminal background check shall
17 conform to applicable federal standards and shall include the taking of
18 fingerprints as required in subdivision (a)(6) of this section but shall not
19 include any record of a conviction that was lawfully sealed under the
20 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
21 otherwise previously sealed or expunged under prior law.

22 (3) The applicant shall sign a release of information to the
23 director and shall be responsible for the payment of any fee associated with
24 the state and national criminal background check.

25 (4) Upon completion of the state and national criminal
26 background check, the department shall forward to the director all releasable
27 information obtained concerning the applicant.

28
29 SECTION 27. Arkansas Code § 17-40-337(a)(6), concerning the criminal
30 background check required for a commission to be a commissioned security
31 officer or a commissioned school security officer, is amended to read as
32 follows:

33 (6)(A) Has not successfully completed a state and national
34 criminal background check to be conducted by the Department of Arkansas State
35 Police and the Federal Bureau of Investigation.

36 (B) Criminal history records from the Arkansas Crime

1 Information Center shall be available to the director for review of the
2 applicant's qualifications.

3 (C) The state and national criminal background check shall
4 conform to applicable federal standards and shall include the taking of
5 fingerprints but shall not include any record of a conviction that was
6 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
7 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
8 law.

9 (D) The individual applicant shall sign a release of
10 information to the director and shall make payment of any fee associated with
11 the state and national criminal background check;

12
13 SECTION 28. Arkansas Code § 17-42-306(a), concerning a criminal
14 background check for licensure by the Arkansas Real Estate Commission, is
15 amended to read as follows:

16 (a)(1) Applications for licensure shall be submitted on forms provided
17 by the Arkansas Real Estate Commission.

18 (2) The commission may require any information and documentation
19 needed to determine if the applicant meets the criteria for licensure as
20 provided in this chapter.

21 (3) Each applicant shall pay an application fee and examination
22 fee as the commission may require under § 17-42-304.

23 (4)(A)(i) Applicants that have provided all required information
24 and documentation to the commission may sit for the licensing examination, if
25 a request has been sent to the Identification Bureau of the Department of
26 Arkansas State Police for a state and federal criminal background check.

27 (ii) The state and federal criminal background check
28 required under subdivision (a)(4)(A)(i) of this section shall not include any
29 record of a conviction that was lawfully sealed under the Comprehensive
30 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
31 previously sealed or expunged under prior law.

32 (B) A real estate license shall not be issued until the
33 applicant has successfully completed the licensing examination and the
34 commission receives and approves the state and federal criminal background
35 check.

36

1 SECTION 29. Arkansas Code § 17-42-315(a), concerning a criminal
2 background check for licensure by the Arkansas Real Estate Commission, is
3 amended to read as follows:

4 (a)(1)(A) The Arkansas Real Estate Commission may require each
5 original applicant for a license issued by the commission to apply to the
6 Identification Bureau of the Department of Arkansas State Police for a state
7 and federal criminal background check to be conducted by the Identification
8 Bureau of the Department of Arkansas State Police and the Federal Bureau of
9 Investigation.

10 (B) The state and federal criminal background check
11 required under subdivision (a)(1)(A) of this section shall not include any
12 record of a conviction that was lawfully sealed under the Comprehensive
13 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
14 previously sealed or expunged under prior law.

15 (2)(A) An applicant may sit for the licensing examination required by
16 § 17-42-302(a)(4) while awaiting the results of a background check prescribed
17 by this section.

18 (B) A license shall not be issued to an applicant until the
19 commission receives and approves the state and federal criminal background
20 ~~echecks~~ check.

21
22 SECTION 30. Arkansas Code § 17-80-119 is amended to read as follows:
23 17-80-119. Medical education background checks.

24 (a)(1) Upon application to a medical education program or school, the
25 applicant shall undergo a state and federal criminal background check.

26 (2) The state and federal criminal background check required
27 under this section shall not include any record of a conviction that was
28 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
29 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
30 law.

31 (b) The student shall be responsible for payment for a state and
32 federal criminal background check.

33 (c) A medical program or school shall establish criteria by which the
34 passage of the criminal background check is determined based upon the medical
35 profession criteria for licensure.

36

1 SECTION 31. Arkansas Code § 17-81-318(a), concerning criminal
2 background checks for licensure to be a chiropractor, is amended to read as
3 follows:

4 (a)(1)(A) Each applicant for a license issued by the Arkansas State
5 Board of Chiropractic Examiners is required to apply to the Identification
6 Bureau of the Department of Arkansas State Police for a state and federal
7 criminal background check to be conducted by the Identification Bureau of the
8 Department of Arkansas State Police and the Federal Bureau of Investigation.

9 (B) The state and federal criminal background check
10 required under this section shall not include any record of a conviction that
11 was lawfully sealed under the Comprehensive Criminal Record Sealing Act of
12 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under
13 prior law.

14 (2) A license shall not be issued to an applicant until the
15 board receives and approves the state and federal criminal background check.
16

17 SECTION 32. Arkansas Code § 17-82-302(9)(C), concerning an applicant
18 seeking a temporary charitable dental license, is amended to read as follows:

19 (C)(i) An applicant seeking a temporary charitable dental
20 license issued by the board shall provide written authorization to the board
21 to allow the Department of Arkansas State Police to release the results of
22 state and federal criminal history background checks to the board as required
23 under § 17-82-801 et seq.

24 (ii) An applicant shall pay the fees associated with
25 the criminal background checks.

26 (iii) A criminal background check required under
27 this subdivision (9)(C) shall not include any record of a conviction that was
28 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
29 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
30 law.

31
32 SECTION 33. Arkansas Code § 17-82-801(b), concerning criminal
33 background checks to become a licensed dentist, dental hygienist, or dental
34 assistant, is amended to read as follows:

35 (b)(1) The Identification Bureau of the Department of Arkansas State
36 Police shall perform the state criminal background check.

1 (2) A background check required under this section shall not
2 include any record of a conviction that was lawfully sealed under the
3 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
4 otherwise previously sealed or expunged under prior law.

5 ~~(2)~~(3) The federal background check shall be requested from the
6 Federal Bureau of Investigation and shall include the taking of fingerprints
7 of the applicant.

8
9 SECTION 34. Arkansas Code § 17-86-104 is amended to read as follows:
10 17-86-104. Criminal background checks.

11 (a) An applicant applying as a new massage therapy licensee, an
12 individual applying for a new massage therapy school license, or a licensee
13 applying for an upgrade issued by the Department of Health shall apply to the
14 Identification Bureau of the Department of Arkansas State Police for a state
15 and federal criminal background check to be conducted by the Identification
16 Bureau and the Federal Bureau of Investigation.

17 (b) The state and federal criminal background check required under
18 this section shall not include any record of a conviction that was lawfully
19 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-
20 1401 et seq., or otherwise previously sealed or expunged under prior law.

21
22 SECTION 35. Arkansas Code § 17-87-312(a), concerning the criminal
23 background check required for a nursing license, is amended to read as
24 follows:

25 (a)(1)(A) Each first-time applicant for a license issued by the
26 Arkansas State Board of Nursing shall apply to the Identification Bureau of
27 the Department of Arkansas State Police for a state and national criminal
28 background check, to be conducted by the Federal Bureau of Investigation.

29 (B) The criminal background check required under this
30 section shall not include any record of a conviction that was lawfully sealed
31 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
32 seq., or otherwise previously sealed or expunged under prior law.

33 (2) At the time a person applies to an Arkansas nursing
34 educational program, the program shall notify the applicant in writing of the
35 provisions and requirements of this section.

36

1 SECTION 36. Arkansas Code § 17-92-317(a), concerning the criminal
2 background check required for licensure or registration with the Arkansas
3 State Board of Pharmacy, is amended to read as follows:

4 (a)(1)~~(A)~~ Each applicant for a new intern or pharmacist license or a
5 new or reinstated registration as a pharmacy technician issued by the
6 Arkansas State Board of Pharmacy shall apply to the Identification Bureau of
7 the Department of Arkansas State Police for a state and national criminal
8 background check, to be conducted by the Federal Bureau of Investigation.

9 (B) The criminal background check required under this
10 section shall not include any record of a conviction that was lawfully sealed
11 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
12 seq., or otherwise previously sealed or expunged under prior law.

13 (2) However, the board may authorize the criminal background
14 check obtained for a license or registration to be used for a subsequent
15 application for another new license or registration issued by the board for a
16 designated time period after the date of the original license or
17 registration.

18
19 SECTION 37. Arkansas Code § 17-95-306(a), concerning criminal
20 background checks under the Arkansas Medical Practices Act, is amended to
21 read as follows:

22 (a)(1) ~~Beginning July 1, 2005, every~~ A person applying for a license
23 or renewal of a license issued by the Arkansas State Medical Board shall
24 provide written authorization to the board to allow the Department of
25 Arkansas State Police to release the results of a state and federal criminal
26 history background check report to the board.

27 (2) The background checks required under this section shall not
28 include any record of a conviction that was lawfully sealed under the
29 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
30 otherwise previously sealed or expunged under prior law.

31 ~~(2)(3)~~ (3) The applicant shall be responsible for payment of the
32 fees associated with the background checks.

33
34 SECTION 38. Arkansas Code § 17-97-312(a), concerning the criminal
35 background check required to be a licensed psychologist or psychological
36 examiner, is amended to read as follows:

1 (a)(1) Each first-time applicant for a license issued by the Arkansas
 2 Psychology Board shall be required to apply to the Identification Bureau of
 3 the Department of Arkansas State Police for a state and national criminal
 4 background check to be conducted by the Federal Bureau of Investigation.

5 (2) The criminal background check required under this section
 6 shall not include any record of a conviction that was lawfully sealed under
 7 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.,
 8 or otherwise previously sealed or expunged under prior law.

9
 10 SECTION 39. Arkansas Code § 17-103-307(a), concerning the criminal
 11 background check required to be a licensed social worker, is amended to read
 12 as follows:

13 (a)(1) Each applicant for a license issued by the Arkansas Social Work
 14 Licensing Board is required to apply for a state and national criminal
 15 background check, to be conducted by the Department of Arkansas State Police
 16 and the Federal Bureau of Investigation.

17 (2) The criminal background check required under this section
 18 shall not include any record of a conviction that was lawfully sealed under
 19 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.,
 20 or otherwise previously sealed or expunged under prior law.

21
 22 SECTION 40. Arkansas Code § 19-3-705(b)(1), concerning background
 23 checks conducted by the State Board of Finance, is amended to read as
 24 follows:

25 (b)(1)(A) The board shall obtain a state and federal criminal
 26 background check to be conducted by the Identification Bureau of the
 27 Department of Arkansas State Police and the Federal Bureau of Investigation
 28 for:

29 (i) Each employee listed in § 19-3-704(b) or § 19-3-
 30 704(c); and

31 (ii) An employee or prospective employee of the
 32 board or Treasurer of State who handles or will handle State Treasury funds
 33 or participates or will participate in making decisions or recommendations
 34 concerning the deposit or investment of State Treasury funds.

35 (B) The background check shall be obtained on or before:

36 (i) September 1, 2013, for an existing employee; and

1 (ii) The start of employment for a prospective
2 employee.

3 (C) The background check required under this section shall
4 not include any record of a conviction that was lawfully sealed under the
5 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
6 otherwise previously sealed or expunged under prior law.

7
8 SECTION 41. Arkansas Code § 20-13-1102 is amended to read as follows:
9 20-13-1102. Mandatory criminal history checks for emergency medical
10 services personnel.

11 (a)(1) Any applicant applying for initial licensure shall complete a
12 criminal history check form and shall request the Identification Bureau of
13 the Department of Arkansas State Police to conduct a state or national
14 criminal history check, or both, on the applicant.

15 (2) The applicant shall pay all appropriate fees for the state
16 or national criminal history check, or both, as set forth by the bureau.

17 (3) The applicant shall attach the criminal history check form
18 to the Arkansas emergency medical services personnel licensure application.

19 (4) A criminal history check required under this section shall
20 not include any record of a conviction that was lawfully sealed under the
21 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
22 otherwise previously sealed or expunged under prior law.

23 (b) The Division of Emergency Medical Services of the Department of
24 Health shall conduct a state or national criminal history check, or both, on
25 the applicant and determine whether the applicant is disqualified from
26 licensure based on the report of the applicant's criminal history and forward
27 its determination to the applicant directly.

28
29 SECTION 42. Arkansas Code § 20-13-1106(a), concerning disqualifying
30 offenses for the Division of Emergency Medical Services of the Department of
31 Health, is amended to read as follows:

32 (a)(1) Except as provided in subdivision (e)(1) of this section, the
33 Division of ~~EMS and Trauma Systems~~ Emergency Medical Services of the
34 Department of Health shall issue a determination that a person is
35 disqualified from certification or recertification if the person has been
36 found guilty of or has pleaded guilty or nolo contendere to any of the

1 offenses listed in subsection (b) of this section, ~~including offenses for~~
 2 ~~which the record~~ unless the offense has been ~~expunged~~ lawfully sealed under
 3 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.,
 4 or otherwise previously sealed or expunged under prior law.

5 ~~(2)(A)~~ However, the ~~Division of EMS and Trauma Systems~~ division
 6 shall forward a request for a waiver to the Director of the Department of
 7 Health on all applicants who have been convicted of the crimes listed in
 8 subsection (b) of this section if five (5) years have passed since the
 9 conviction, if five (5) years have passed since release from custodial
 10 confinement, or if the applicants are currently certified emergency medical
 11 technicians, prior to making the final determination on certification or
 12 recertification.

13 ~~(B) These individuals will~~ An applicant listed in
 14 subdivision (a)(2)(A) of this section shall not be suspended prior to the
 15 director's making the final determination.

16
 17 SECTION 43. Arkansas Code § 20-13-1106(e), concerning disqualifying
 18 offenses for the Division of Emergency Medical Services of the Department of
 19 Health, is amended to read as follows:

20 ~~(e)(1)~~ For purposes of this section, ~~an expunged record of a~~
 21 conviction or plea of guilty or nolo contendere to an offense listed in
 22 subsection (b) of this section ~~shall~~ is not be considered a conviction,
 23 guilty plea, or nolo contendere plea to the offense ~~unless the offense is~~
 24 ~~also listed in subdivision (c)(2) of this section~~ if the conviction or plea
 25 of guilty or nolo contendere was lawfully sealed under the Comprehensive
 26 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
 27 previously sealed or expunged under prior law.

28 ~~(2) Because of the serious nature of the offenses and the close~~
 29 ~~relationship to the type of work that is to be performed, the following shall~~
 30 ~~result in permanent disqualification:~~

31 ~~(A) Capital murder as prohibited in § 5-10-101;~~

32 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
 33 ~~and murder in the second degree as prohibited in § 5-10-103;~~

34 ~~(C) Kidnapping as prohibited in § 5-11-102;~~

35 ~~(D) Rape as prohibited in § 5-14-103;~~

36 ~~(E) Sexual assault in the first degree as prohibited in §~~

1 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
 2 ~~(F) Endangering the welfare of a minor in the first degree~~
 3 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
 4 ~~second degree as prohibited in § 5-27-206;~~
 5 ~~(G) Incest as prohibited in § 5-26-202;~~
 6 ~~(H) Arson as prohibited in § 5-38-301;~~
 7 ~~(I) Endangering the welfare of an incompetent person in~~
 8 ~~the first degree as prohibited in § 5-27-201;~~
 9 ~~(J) Adult abuse that constitutes a felony as prohibited in~~
 10 ~~§ 5-28-103;~~
 11 ~~(K) Aggravated assault upon a law enforcement officer or~~
 12 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony; and~~
 13 ~~(L) Sexual extortion, § 5-14-113.~~

14
 15 SECTION 44. Arkansas Code § 20-38-102 is amended to read as follows:
 16 20-38-102. Criminal history records checks – Operators.

17 (a)(1)(A) When an operator applies for a license, exemption from
 18 licensure, certificate, or other operating authority for a service provider
 19 from its licensing or certifying agency, the operator shall submit a criminal
 20 history records check form and a complete set of fingerprints to the
 21 Identification Bureau of the Department of Arkansas State Police and request
 22 a state criminal history records check and a national criminal history
 23 records check on the operator.

24 (B) The operator shall attach evidence of the request for
 25 a criminal history records check to the application for the service
 26 provider’s license, exemption from licensure, certificate, or other operating
 27 authority.

28 (C) The criminal history records check required under this
 29 section shall not include any record of a conviction that was lawfully sealed
 30 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
 31 seq., or otherwise previously sealed or expunged under prior law.

32 (2)(A) The bureau shall conduct a state criminal records history
 33 check and request a national criminal history records check on the operator.

34 (B) Upon completion of each criminal history records
 35 check, the bureau shall issue a report to the licensing or certifying agency.

36 (C) The licensing or certifying agency shall share the

1 information obtained from the state criminal history records check and the
2 national criminal history records check only with employees of the Department
3 of Human Services who have an official business reason to see the
4 information.

5 (3) Based on the criminal history records check, the licensing
6 or certifying agency shall determine whether the operator is ~~or is not~~
7 disqualified from licensure, exemption from licensure, certification, or
8 other operating authority.

9 (4) The licensing or certifying agency shall forward its
10 determination to the operator and the service provider seeking licensure,
11 exemption from licensure, certification, or other operating authority.

12 (b) Operators are required to undergo periodic criminal history
13 records checks no less than one (1) time every five (5) years.

14
15 SECTION 45. Arkansas Code § 20-38-103, concerning a criminal
16 background check conducted by a service provider, is amended to add an
17 additional subsection to read as follows:

18 (h) A criminal history records check required under this section shall
19 not include any record of a conviction that was lawfully sealed under the
20 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
21 otherwise previously sealed or expunged under prior law.

22
23 SECTION 46. Arkansas Code § 20-38-104 is amended to read as follows:
24 20-38-104. Request for records check – Requirement.

25 (a) A request for a state criminal history records check on a person
26 shall include a completed statement that:

27 (1) Contains the name, address, and date of birth appearing on a
28 valid identification document issued by a government entity to the person who
29 is the subject of the state criminal history records check;

30 (2) Indicates whether the person has been found guilty of or
31 pleaded guilty or nolo contendere to a crime and, if so, includes a
32 description of the crime and the particulars of the finding of guilt or the
33 plea, except that the state criminal history records check shall not include
34 any record of a conviction that was lawfully sealed under the Comprehensive
35 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise
36 previously sealed or expunged under prior law;

1 (3) Notifies the person that a service provider may conduct
2 national criminal history records checks, state criminal history records
3 checks, and registry records checks on the person;

4 (4) Provides the consent of the person who is the subject of the
5 state criminal history records check to disclosure of checks, reports, and
6 determinations under this subchapter;

7 (5) Informs the person how to object to the content of reports;
8 and

9 (6) Contains the notarized signature of the person who is the
10 subject of the state criminal history records check.

11 (b)(1) A request for a national criminal history records check on a
12 person shall conform to applicable federal standards and shall include a
13 complete set of fingerprints.

14 (2) The Identification Bureau of the Department of Arkansas
15 State Police may maintain fingerprints submitted for a national criminal
16 history records check in an automated fingerprint identification system.
17

18 SECTION 47. Arkansas Code § 21-15-102(a)(1), concerning criminal
19 history checks for positions involving direct contact with children and
20 mentally ill and developmentally disabled persons, is amended to read as
21 follows:

22 (a)(1)(A) When a person applies for employment with a state agency in
23 a designated position and if the state agency intends to make an offer of
24 employment to the applicant, the applicant shall complete a criminal history
25 check form and a central registry check form obtained from the state agency
26 and shall submit the form to the state agency as part of the application
27 process.

28 (B) If the state agency intends to make an offer of
29 employment to the applicant, the state agency within five (5) days of the
30 decision shall:

31 (i)(a) Use the Online Criminal Background Check
32 System to obtain the criminal history or forward the criminal history check
33 form to the Identification Bureau of the Department of Arkansas State Police
34 and request the bureau to review the bureau's database of criminal history.

35 (b) A criminal background check required under
36 this subsection shall not include any record of a conviction that was

1 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
2 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
3 law.

4 ~~(b)~~(c) Within three (3) days of the receipt of
5 a request to review the database, the bureau shall notify the state agency if
6 the database contains any criminal history records on the applicant; and

7 (ii)(a) Forward the central registry check form to
8 the Child Maltreatment Central Registry and the Adult and ~~Long-Term~~ Long-term
9 Care Facility Resident Maltreatment Central Registry for a central registry
10 check.

11 (b) The state agency shall pay any fee
12 associated with the central registry check on behalf of the applicant.

13 (c) Within seven (7) days of the receipt of a
14 request for a central registry check, the central registry shall notify the
15 state agency if the database contains any information naming the applicant as
16 an offender or perpetrator of child or adult abuse.

17
18 SECTION 48. Arkansas Code § 21-15-103(a), concerning a criminal
19 background check conducted for certain designated positions, is amended to
20 read as follows:

21 (a)(1) A state agency shall ensure that any incumbent employee in a
22 designated position has a subsequent criminal background check completed
23 within five (5) years of the incumbent employee's initial criminal background
24 check and every five (5) years thereafter.

25 (2) A state agency shall ensure that any incumbent employee in a
26 designated position has a subsequent central registry check completed within
27 five (5) years of the incumbent employee's initial central registry check and
28 every five (5) years thereafter.

29 (3) In accordance with subdivisions (a)(1) and (2) of this
30 section, each employee of a state agency in a designated position shall
31 complete a criminal history check form and a central registry check form
32 obtained from the state agency and shall submit the ~~form~~ forms to the state
33 agency. The state agency shall:

34 (A)(i) Use the Online Criminal Background Check System to
35 obtain a criminal history check or forward the criminal history check form to
36 the Identification Bureau of the Department of Arkansas State Police.

1 (ii) The state agency shall pay any fee associated
2 with the criminal history check on behalf of the employee; and

3 (B)(i) Forward the central registry check form to the
4 Child Maltreatment Central Registry and the Adult and ~~Long-Term~~ Long-term
5 Care Facility Resident Maltreatment Central Registry for a review of the
6 registry databases.

7 (ii) The state agency shall pay any fee associated
8 with the central registry checks.

9 (4) A criminal background check required under this subsection
10 shall not include any record of a conviction that was lawfully sealed under
11 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.,
12 or otherwise previously sealed or expunged under prior law.

13
14 SECTION 49. Arkansas Code § 21-15-107 is amended to read as follows:

15 21-15-107. Identification Bureau and registries – Duties.

16 (a)(1) After receipt of a request for a criminal history check, the
17 Identification Bureau of the Department of Arkansas State Police shall make
18 reasonable efforts to respond to requests for state criminal history checks
19 within twenty (20) calendar days and to respond to requests for national
20 criminal history checks within ten (10) calendar days after the receipt of a
21 national criminal history check from the Federal Bureau of Investigation.

22 (2) After receipt of a request for a central registry check, a
23 registry shall make reasonable efforts to respond to requests within twenty
24 (20) calendar days.

25 (b)(1)(A) Upon completion of a criminal history check, the
26 Identification Bureau of the Department of Arkansas State Police shall
27 forward all information obtained concerning the applicant or employee to the
28 Arkansas Crime Information Center.

29 (B) If the criminal history check is being conducted for
30 licensure or employment purposes, the information forwarded under subdivision
31 (b)(1)(A) of this section shall not include any record of a conviction that
32 was lawfully sealed under the Comprehensive Criminal Record Sealing Act of
33 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under
34 prior law.

35 (2) Upon completion of a central registry check, the registry
36 shall forward all information obtained concerning the applicant or employee

1 to the requesting state agency.

2 (c) The Identification Bureau of the Department of Arkansas State
3 Police shall maintain a database of the results of criminal history checks on
4 each applicant for employment with and each employee of a state agency in a
5 designated position.

6 (d)(1)(A) The Identification Bureau of the Department of Arkansas
7 State Police shall develop a form to be used for criminal history checks
8 conducted under this subchapter.

9 (B) The form under subdivision (d)(1)(A) of this section
10 shall require the notarized signature of the person who is the subject of the
11 check.

12 (2)(A) The Child Maltreatment Central Registry and the Adult and
13 Long-Term Care Facility Resident Maltreatment Central Registry shall work
14 together to develop a form to be used for central registry checks conducted
15 under this subchapter.

16 (B) The form under subdivision (d)(2)(A) of this section
17 shall require the notarized signature of the person who is the subject of the
18 check.

19
20 SECTION 50. Arkansas Code § 21-15-111 is amended to read as follows:

21 21-15-111. Hiring new employees into designated financial or
22 information technology positions.

23 (a)(1)(A) When a person applies for employment with a state agency in
24 a designated financial or information technology position and if the state
25 agency intends to make an offer of employment to the applicant, the applicant
26 shall complete a criminal history check form and shall submit the form to the
27 state agency as part of the application process.

28 (B)(i) Within five (5) days of the state agency's decision
29 to make an offer of employment to the applicant, the state agency shall use
30 the Online Criminal Background Check System to obtain the criminal history or
31 forward the criminal history check form to the Identification Bureau of the
32 Department of Arkansas State Police and request the bureau to review the
33 database of criminal history.

34 (ii) A criminal background check required under this
35 subsection shall not include any record of a conviction that was lawfully
36 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-

1 1401 et seq., or otherwise previously sealed or expunged under prior law.

2 (C) Within three (3) days of the receipt of a request to
3 review the database, the bureau shall notify the state agency if the database
4 contains any criminal history record on the applicant.

5 (2) If no criminal history record regarding the applicant is
6 found in the database, then the state agency may make an offer of temporary
7 employment to the applicant while the bureau completes a criminal history
8 check and the state agency determines whether the applicant is disqualified
9 from employment under subsection (f) of this section.

10 (3)(A) If a criminal history record regarding the applicant is
11 found in the database, then the applicant is temporarily disqualified from
12 employment until the state agency determines whether the applicant is
13 disqualified from employment under subsection (f) of this section.

14 (B) If the state agency determines that the applicant is
15 not disqualified, then the state agency may continue to temporarily employ
16 the applicant while the bureau completes a criminal history check.

17 (b)(1) Except as provided in subdivision (b)(2) of this section, the
18 bureau shall conduct a state criminal history check and a national criminal
19 history check on an applicant upon receiving a criminal history check request
20 from a state agency.

21 (2)(A) If the state agency can verify that the applicant has
22 been employed by a state agency in a designated financial or information
23 technology position within sixty (60) days before the application or has
24 lived continuously in the State of Arkansas for the past five (5) years, the
25 bureau shall conduct only a state criminal history check on the applicant.

26 (B) If the state agency can verify that the selected
27 applicant currently works for a state agency in a designated position or a
28 designated financial or information technology position and the state agency
29 can provide verification that a criminal history check for that position has
30 been completed in the last five (5) years, the state agency does not need to
31 conduct another criminal history check on the employee until the criminal
32 history check is five (5) years old.

33 (c)(1) Upon completion of a criminal history check on an applicant,
34 the bureau shall issue a report to the state agency.

35 (2)(A) The state agency shall determine whether the applicant is
36 disqualified from employment under subsection (f) of this section.

1 (B) If the state agency determines that an applicant is
2 disqualified from employment, then the state agency shall deny employment to
3 the applicant.

4 (d) If a national criminal history check is required under this
5 section, the criminal history check shall conform to the applicable federal
6 standards and shall include the taking of fingerprints.

7 (e) Before making a temporary or permanent offer of employment, a
8 state agency shall inform an applicant that:

9 (1) Continued employment is contingent upon the results of a
10 criminal history check; and

11 (2) The applicant has the right to obtain a copy of his or her
12 criminal history report from the bureau.

13 (f) ~~An expunged~~ A sealed or expunged record of a conviction or plea of
14 guilty or nolo contendere to an offense listed in this subsection shall not
15 be considered a conviction or plea of guilty or nolo contendere to the
16 offense. ~~No person shall be~~ A person is not eligible for employment with a
17 state agency in a designated financial or information technology position if
18 that person has pleaded guilty or nolo contendere to, or has been found
19 guilty of, any of the following offenses by any court in the State of
20 Arkansas or of any similar offense by a court in another state or of any
21 similar offense by a federal court unless the conviction was vacated, ~~or~~
22 reversed, sealed under the Comprehensive Criminal Record Sealing Act of 2013,
23 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
24 law:

25 (1) Robbery, as prohibited in § 5-12-102;

26 (2) Aggravated robbery, as prohibited in § 5-12-103;

27 (3) Soliciting money or property from incompetents, as
28 prohibited in § 5-27-229;

29 (4) Theft of property, as prohibited in § 5-36-103;

30 (5) Theft by receiving, as prohibited in § 5-36-106;

31 (6) Theft of property lost, mislaid, or delivered by mistake, as
32 prohibited in § 5-36-105;

33 (7) Theft of leased, rented, or entrusted personal property, as
34 prohibited in § 5-36-115;

35 (8) Shoplifting, as prohibited in § 5-36-116;

36 (9) Embezzlement by officer or employee of certain institutions,

- 1 as prohibited in § 5-36-118 [repealed];
- 2 (10) Theft of public benefits, as prohibited in § 5-36-202;
- 3 (11) Theft of wireless service, as prohibited in § 5-36-303;
- 4 (12) Facilitating theft of wireless service by manufacture,
5 distribution, or possession of devices for theft of wireless services, as
6 prohibited in § 5-36-304;
- 7 (13) Any offense involving theft detection devices, as
8 prohibited in §§ 5-36-401 – 5-36-405;
- 9 (14) Forgery, as prohibited in § 5-37-201;
- 10 (15) Falsifying business records, as prohibited in § 5-37-202;
- 11 (16) Defrauding secured creditors, as prohibited in § 5-37-203;
- 12 (17) Fraud in insolvency, as prohibited in § 5-37-204;
- 13 (18) Issuing a false financial statement, as prohibited in § 5-
14 37-205;
- 15 (19) Receiving deposits in a failing financial institution, as
16 prohibited in § 5-37-206;
- 17 (20) Fraudulent use of a credit card or debit card, as
18 prohibited in § 5-37-207;
- 19 (21) Criminal impersonation, as prohibited in § 5-37-208;
- 20 (22) Criminal possession of a forgery device, as prohibited in §
21 5-37-209;
- 22 (23) Obtaining signature by deception, as prohibited in § 5-37-
23 210;
- 24 (24) Defrauding judgment creditors, as prohibited in § 5-37-211;
- 25 (25) Unlawfully using slugs, as prohibited in § 5-37-212;
- 26 (26) Criminal simulation, as prohibited in § 5-37-213;
- 27 (27) Use of false transcript, diploma, or grade report from
28 postsecondary educational institution, as prohibited in § 5-37-225;
- 29 (28) Financial identity fraud, as prohibited in § 5-37-227;
- 30 (29) Any offense as prohibited in the Arkansas Hot Check Law, §
31 5-37-301 et seq.;
- 32 (30) Theft of communication services, as prohibited in § 5-37-
33 402;
- 34 (31) Criminal mischief in the first degree, as prohibited in §
35 5-38-203;
- 36 (32) Residential or commercial burglary, as prohibited in § 5-

- 1 39-201;
- 2 (33) Breaking or entering, as prohibited in § 5-39-202;
- 3 (34) Computer fraud, as prohibited in § 5-41-103;
- 4 (35) Computer trespass, as prohibited in § 5-41-104;
- 5 (36) Any offense involving computer crime, as prohibited in §§
- 6 5-41-201 – 5-41-206;
- 7 (37) Criminal use of property or laundering criminal proceeds,
- 8 as prohibited in § 5-42-204;
- 9 (38) Any offense involving corruption in public office, as
- 10 prohibited in §§ 5-52-101 – 5-52-108;
- 11 (39) Tampering with a public record, as prohibited in § 5-54-
- 12 121;
- 13 (40) Criminal acts constituting Medicaid fraud, as prohibited in
- 14 § 5-55-111;
- 15 (41) Any offense involving illegal food coupons, as prohibited
- 16 in §§ 5-55-201 – 5-55-205;
- 17 (42) Engaging in a continuing criminal gang, organization, or
- 18 enterprise, as prohibited in § 5-74-104; or
- 19 (43) Criminal attempt, criminal complicity, criminal
- 20 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,
- 21 5-3-301, and 5-3-401, to commit any of the offenses listed in this
- 22 subsection.

23

24 SECTION 51. Arkansas Code § 21-15-112 is amended to read as follows:

25 21-15-112. Incumbent employees in designated financial or information

26 technology positions.

27 (a)(1) State agencies shall ensure that all employees in designated

28 financial or information technology positions apply for criminal history

29 checks by December 1, 2005.

30 (2) An incumbent employee in a designated financial or

31 information technology position shall have a subsequent criminal background

32 check within five (5) years of the initial criminal background check and

33 every five (5) years thereafter.

34 (3)(A) In accordance with subdivisions (a)(1) and (2) of this

35 section, each employee of a state agency in a designated financial or

36 information technology position shall complete a criminal history check form

1 and shall submit the form to the state agency.

2 (B) The state agency shall:

3 (i) Use the Online Criminal Background Check System
4 to obtain the criminal history or forward the criminal history check form to
5 the Identification Bureau of the Department of Arkansas State Police; and

6 (ii) Pay any fee associated with the criminal
7 history check on behalf of the employee.

8 (4) A criminal history check required under this section shall
9 not include any record of a conviction that was lawfully sealed under the
10 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
11 otherwise previously sealed or expunged under prior law.

12 (b)(1) Except as provided in subdivision (b)(2) of this section, the
13 bureau shall conduct a state criminal history check and a national criminal
14 history check on an employee upon receiving a criminal history check request
15 from a state agency.

16 (2) If the state agency can verify that the employee has been
17 employed by a state agency in a designated financial or information
18 technology position within sixty (60) days before applying for the criminal
19 background check or has lived continuously in the State of Arkansas for the
20 previous five (5) years, the bureau shall conduct only a state criminal
21 history check on the applicant.

22 (c)(1) Upon completion of a criminal history check on an employee, the
23 bureau shall issue a report to the state agency.

24 (2)(A) The state agency shall determine whether the employee is
25 disqualified from employment under subsection (f) of this section.

26 (B) If the state agency determines that an employee is
27 disqualified from employment, then the state agency shall discharge the
28 employee.

29 (d) If a national criminal history check is required under this
30 section, the criminal history check shall conform to the applicable federal
31 standards and shall include the taking of fingerprints.

32 (e) A state agency shall inform all employees in designated financial
33 or information technology positions that:

34 (1) Continued employment is contingent upon the results of a
35 criminal history check; and

36 (2) The employee has the right to obtain a copy of his or her

1 criminal history report from the bureau.

2 (f) ~~An expunged~~ A sealed or expunged record of a conviction or plea of
 3 guilty or nolo contendere to an offense listed in this subsection shall not
 4 be considered a conviction or plea of guilty or nolo contendere to the
 5 offense. A state agency shall discharge from employment an employee in a
 6 designated financial or information technology position who has pleaded
 7 guilty or nolo contendere to, or has been found guilty of, any of the
 8 following offenses by any court in the State of Arkansas or of any similar
 9 offense by a court in another state or of any similar offense by a federal
 10 court unless the conviction was vacated, ~~or reversed,~~ sealed under the
 11 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or
 12 otherwise previously sealed or expunged under prior law:

- 13 (1) Robbery, as prohibited in § 5-12-102;
- 14 (2) Aggravated robbery, as prohibited in § 5-12-103;
- 15 (3) Soliciting money or property from incompetents, as
 16 prohibited in § 5-27-229;
- 17 (4) Theft of property, as prohibited in § 5-36-103;
- 18 (5) Theft by receiving, as prohibited in § 5-36-106;
- 19 (6) Theft of property lost, mislaid, or delivered by mistake, as
 20 prohibited in § 5-36-105;
- 21 (7) Theft of leased, rented, or entrusted personal property, as
 22 prohibited in § 5-36-115;
- 23 (8) Shoplifting, as prohibited in § 5-36-116;
- 24 (9) Embezzlement by officer or employee of certain institutions,
 25 as prohibited in § 5-36-118 [repealed];
- 26 (10) Theft of public benefits, as prohibited in § 5-36-202;
- 27 (11) Theft of wireless service, as prohibited in § 5-36-303;
- 28 (12) Facilitating theft of wireless service by manufacture,
 29 distribution, or possession of devices for theft of wireless services, as
 30 prohibited in § 5-36-304;
- 31 (13) Any offense involving theft detection devices, as
 32 prohibited in §§ 5-36-401 – 5-36-405;
- 33 (14) Forgery, as prohibited in § 5-37-201;
- 34 (15) Falsifying business records, as prohibited in § 5-37-202;
- 35 (16) Defrauding secured creditors, as prohibited in § 5-37-203;
- 36 (17) Fraud in insolvency, as prohibited in § 5-37-204;

- 1 (18) Issuing a false financial statement, as prohibited in § 5-
2 37-205;
- 3 (19) Receiving deposits in a failing financial institution, as
4 prohibited in § 5-37-206;
- 5 (20) Fraudulent use of a credit card or debit card, as
6 prohibited in § 5-37-207;
- 7 (21) Criminal impersonation, as prohibited in § 5-37-208;
- 8 (22) Criminal possession of a forgery device, as prohibited in §
9 5-37-209;
- 10 (23) Obtaining signature by deception, as prohibited in § 5-37-
11 210;
- 12 (24) Defrauding judgment creditors, as prohibited in § 5-37-211;
- 13 (25) Unlawfully using slugs, as prohibited in § 5-37-212;
- 14 (26) Criminal simulation, as prohibited in § 5-37-213;
- 15 (27) Use of false transcript, diploma, or grade report from
16 postsecondary educational institution, as prohibited in § 5-37-225;
- 17 (28) Financial identity fraud, as prohibited in § 5-37-227;
- 18 (29) Any offense violating the Arkansas Hot Check Law, as
19 prohibited in § 5-37-301 et seq.;
- 20 (30) Theft of communication services, as prohibited in § 5-37-
21 402;
- 22 (31) Criminal mischief in the first degree, as prohibited in §
23 5-38-203;
- 24 (32) Residential or commercial burglary, as prohibited in § 5-
25 39-201;
- 26 (33) Breaking or entering, as prohibited in § 5-39-202;
- 27 (34) Computer fraud, as prohibited in § 5-41-103;
- 28 (35) Computer trespass, as prohibited in § 5-41-104;
- 29 (36) Any offense involving computer crime, as prohibited in §§
30 5-41-201 – 5-41-206;
- 31 (37) Criminal use of property or laundering criminal proceeds,
32 as prohibited in § 5-42-204;
- 33 (38) Any offense involving corruption in public office, as
34 prohibited in §§ 5-52-101 – 5-52-108;
- 35 (39) Tampering with a public record, as prohibited in § 5-54-
36 121;

1 (40) Criminal acts constituting Medicaid fraud, as prohibited in
 2 § 5-55-111;

3 (41) Any offense involving illegal food coupons, as prohibited
 4 in §§ 5-55-201 – 5-55-205;

5 (42) Engaging in a continuing criminal gang, organization, or
 6 enterprise, as prohibited in § 5-74-104; or

7 (43) Criminal attempt, criminal complicity, criminal
 8 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,
 9 5-3-301, and 5-3-401, to commit any of the offenses listed in this
 10 subsection.

11
 12 SECTION 52. Arkansas Code § 23-13-713(a), concerning driver
 13 requirements under the Transportation Network Company Services Act, is
 14 amended to read as follows:

15 (a) Before permitting an individual to act as a transportation network
 16 company driver on its website, digital network, or software application, a
 17 transportation network company shall:

18 (1) Require the individual to submit an application to the
 19 transportation network company that includes information regarding the
 20 individual’s address, age, driver’s license, driving history, motor vehicle
 21 registration, motor vehicle liability insurance coverage, and other
 22 information required by the transportation network company;

23 (2)(A) Conduct, or have a third party conduct, a state and
 24 national criminal background check for each applicant that includes
 25 searching:

26 ~~(A)(i)~~ A multistate and multijurisdictional criminal
 27 records locator or other similar commercial nationwide database with
 28 validation of primary source searches; and

29 ~~(B)(ii)~~ The National Sex Offender Registry database.

30 (B) A criminal background check authorized under this
 31 section shall not include any record of a conviction that was lawfully sealed
 32 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
 33 seq., or otherwise previously sealed or expunged under prior law; and

34 (3) Obtain and review the individual’s driving history.
 35

36 SECTION 53. Arkansas Code § 23-39-505(a)(4)(D), concerning the

1 qualifications for licensure under the Fair Mortgage Lending Act, is amended
2 to read as follows:

3 (D)(i) The qualifications, business history, and financial
4 condition of the applicant and a managing principal of the applicant.

5 (ii) The qualifications and business history of
6 persons under subdivision (a)(4)(D)(i) of this section shall include:

7 (a) A description of an injunction or
8 administrative order, including a denial to engage in a regulated activity by
9 any state or federal authority that had jurisdiction over the applicant;

10 (b) A conviction of a misdemeanor involving
11 fraudulent dealings or moral turpitude or relating to any aspect of the
12 mortgage industry, the securities industry, the insurance industry, or any
13 other activity pertaining to financial services;

14 (c) A felony conviction; and

15 (d) Fingerprints for submission to the Federal
16 Bureau of Investigation and any governmental agency or entity authorized to
17 receive fingerprints for a state, national, and international criminal
18 background check.

19 (iii) A criminal background check authorized under
20 this section shall not include any record of a conviction that was lawfully
21 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-
22 1401 et seq., or otherwise previously sealed or expunged under prior law; and
23

24 SECTION 54. Arkansas Code § 23-46-205(d)(10), concerning the powers of
25 the Bank Commissioner, is amended to read as follows:

26 (10)(A)(i) Perform preemployment state criminal background
27 checks through the Department of Arkansas State Police and preemployment
28 federal criminal background checks through the Federal Bureau of
29 Investigation on all applicants selected for employment as examiners with the
30 State Bank Department.

31 (ii) A criminal background check authorized under
32 this section shall not include any record of a conviction that was lawfully
33 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-
34 1401 et seq., or otherwise previously sealed or expunged under prior law.

35 (B) The federal background check shall include taking
36 fingerprints of the applicant.

1 (C) The applicant shall sign a release authorizing the
 2 Department of Arkansas State Police and the Federal Bureau of Investigation
 3 to disclose criminal history information about the applicant to the State
 4 Bank Department.

5 (D) The commissioner shall treat the information as
 6 confidential and shall disclose the information only to the applicant; and
 7

8 SECTION 55. Arkansas Code § 23-64-607(b), concerning the requirements
 9 for licensure or certification under the Arkansas Health Insurance
 10 Marketplace Navigator, Guide, and Certified Application Counselors Act, is
 11 amended to read as follows:

12 (b) In addition to the other information required under this
 13 subchapter or rules adopted by the commissioner, an application for a license
 14 or certification under this subchapter shall include:

15 (1) The applicant's business name, address, and Social Security
 16 number or taxpayer identification number;

17 (2)(A) A criminal and regulatory background check of the
 18 applicant.

19 (B) A criminal and regulatory background check authorized
 20 under this section shall not include any record of a conviction that was
 21 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
 22 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
 23 law; and

24 (3) A description of the applicant's current business operations
 25 and its activities, duties, and responsibilities, including without
 26 limitation:

27 (A) The place of organization and a certified copy of the
 28 applicant's organizational and governance documents;

29 (B) If a foreign business, a copy of the certificate of
 30 authority from the Secretary of State;

31 (C) The proposed method of business operation and, if
 32 applicable, other locations for doing business; and

33 (D)(i) The qualifications, business experience and
 34 history, and financial condition of the applicant, its affiliates, and its
 35 employees.

36 (ii) Information required under subdivision

1 (b)(3)(D)(i) of this section shall include:

2 (a) A description of any injunction or
3 administrative order, including a denial to engage in a regulated activity by
4 a state or federal authority that had jurisdiction over the applicant, its
5 affiliates, and its employees;

6 (b) A conviction of a misdemeanor involving
7 fraudulent dealings or moral turpitude or relating to any aspect of the
8 insurance industry, the mortgage industry, the securities industry, or any
9 other activity pertaining to financial services;

10 (c) Any felony conviction; and

11 (d) A beneficial interest in an affiliated
12 industry business.

13
14 SECTION 56. Arkansas Code § 23-66-513(a)(1), concerning a background
15 check conducted by the Insurance Commissioner, is amended to read as follows:

16 (a)(1)(A) Prior to the approval of any application or request for
17 appointment by an insurer or company to be added to the license obtained by
18 an individual resident agent or producer who has had no previous appointments
19 on his or her Arkansas license prior to this request, the insurer shall
20 conduct or secure at its expense an investigation as to the applicant's
21 identity, residence, experience, or instruction as to the kinds of insurance
22 to be transacted, and as to the agent's or producer's character, financial
23 condition, and financial history.

24 (B) The Insurance Commissioner may accept a background
25 check performed by the National Association of Securities Dealers for any
26 required broker or producer background check required by this section.

27 (C) A criminal background check authorized under this
28 section shall not include any record of a conviction that was lawfully sealed
29 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
30 seq., or otherwise previously sealed or expunged under prior law.

31
32 SECTION 57. Arkansas Code § 23-110-204(e), concerning a background
33 check under the Arkansas Horse Racing Law conducted by the Arkansas Racing
34 Commission, is amended to read as follows:

35 (e)(1)(A) The commission may require an applicant to be fingerprinted
36 to determine the applicant's suitability to be issued a license as a horse

1 owner, horse trainer, jockey, or jockey agent.

2 (B)(i) If required by the commission, the fingerprints
3 shall be forwarded by the commission to the Department of Arkansas State
4 Police for statewide criminal and noncriminal background checks.

5 (ii) A criminal background check required under this
6 section shall not include any record of a conviction that was lawfully sealed
7 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
8 seq., or otherwise previously sealed or expunged under prior law.

9 (C) After completion of the statewide criminal and
10 noncriminal background check, the fingerprints shall be forwarded by the
11 Department of Arkansas State Police to the Federal Bureau of Investigation
12 for a national criminal history record check.

13 (2) The applicant shall sign a release that authorizes the:

14 (A) Department of Arkansas State Police to forward the
15 applicant's fingerprint card to the Federal Bureau of Investigation for a
16 national criminal history record check; and

17 (B) Release of the results of the statewide criminal and
18 noncriminal background check and the national criminal history record check
19 to the commission.

20 (3)(A) Any information received by the commission from the
21 statewide criminal and noncriminal background check and the national criminal
22 history record check of the applicant shall be kept confidential and may be
23 used by the commission only for the purpose of determining the applicant's
24 suitability to be licensed by the commission.

25 (B) The commission may disclose any information under
26 subdivision (e)(3)(A) of this section to the applicant or the applicant's
27 duly authorized representative.

28 (4) No statewide criminal and noncriminal background check or
29 national criminal history record check shall be required of an applicant for
30 certain classes of licenses that have been exempted from investigation by
31 rules promulgated by the commission.

32 (5) The commission shall promulgate rules to implement this
33 subsection.

34
35 SECTION 58. Arkansas Code § 23-111-203(c), concerning a background
36 check conducted under the Arkansas Greyhound Racing Law by the Arkansas

1 Racing Commission, is amended to read as follows:

2 (c)(1)(A) The commission may require an applicant to be fingerprinted
3 to determine the applicant's suitability to be issued a license as a
4 greyhound owner or trainer.

5 (B)(i) If required by the commission, the fingerprints
6 shall be forwarded by the commission to the Department of Arkansas State
7 Police for statewide criminal and noncriminal background checks.

8 (ii) A criminal background check authorized under
9 this section shall not include any record of a conviction that was lawfully
10 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-
11 1401 et seq., or otherwise previously sealed or expunged under prior law.

12 (C) After completion of the statewide criminal and
13 noncriminal background checks, the fingerprints shall be forwarded by the
14 department to the Federal Bureau of Investigation for a national criminal
15 history record check.

16 (2) The applicant shall sign a release that authorizes the:

17 (A) Department to forward the applicant's fingerprint card
18 to the Federal Bureau of Investigation for a national criminal history record
19 check; and

20 (B) Release of the results of the statewide criminal and
21 noncriminal background checks and the national criminal history record check
22 to the commission.

23 (3)(A) Any information received by the commission from the
24 statewide criminal and noncriminal background check and the national criminal
25 history record check shall be kept confidential and may be used by the
26 commission only for the purpose of determining the applicant's suitability to
27 be licensed by the commission.

28 (B) The commission may disclose any information under
29 subdivision (c)(3)(A) of this section to the applicant or the applicant's
30 duly authorized representative.

31 (4) No statewide criminal and noncriminal background ~~checks~~
32 check or national criminal history record check shall be required of
33 applicants for certain classes of licenses that have been exempted from
34 investigation by rules promulgated by the commission.

35 (5) The commission shall promulgate rules to implement this
36 subsection.

1
2 SECTION 59. Arkansas Code § 23-113-303(c), concerning background
3 checks for a prospective franchise holder employee license, supplier license,
4 or service license under the Local Option Horse Racing and Greyhound Racing
5 Electronic Games of Skill Act, is amended to read as follows:

6 (c)(1)(A) An applicant shall be fingerprinted to determine an
7 applicant's suitability to be issued a franchise holder employee license,
8 supplier license, or service license.

9 (B)(i) The fingerprints shall be forwarded by the
10 commission to the Department of Arkansas State Police for statewide criminal
11 and noncriminal background checks.

12 (ii) A criminal background check required under this
13 subsection shall not include any record of a conviction that was lawfully
14 sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-
15 1401 et seq., or otherwise previously sealed or expunged under prior law.

16 (C) After completion of the statewide criminal and
17 noncriminal background check, the fingerprints shall be forwarded by the
18 Department of Arkansas State Police to the Federal Bureau of Investigation
19 for a national criminal history record check.

20 (2) The applicant shall sign a release that authorizes the:

21 (A) Department of Arkansas State Police to forward the
22 applicant's fingerprint card to the Federal Bureau of Investigation for a
23 national criminal history record check; and

24 (B) Release of the results of the statewide criminal and
25 noncriminal background check and the national criminal history record check
26 to the commission.

27 (3)(A) Any information received by the commission from the
28 statewide criminal and noncriminal background check and the national criminal
29 history record check shall be kept confidential and may be used by the
30 commission only for the purpose of determining the applicant's suitability to
31 be licensed by the commission.

32 (B) The commission may disclose any information under
33 subdivision (c)(3)(A) of this section to the applicant or the applicant's
34 duly authorized representative.

35 (4) No statewide criminal and noncriminal background check or
36 national criminal history record check shall be required of applicants for

1 certain classes of licenses that have been exempted from investigation by
2 rules promulgated by the commission.

3 (5) The commission shall promulgate rules to implement this
4 subsection.

5
6 SECTION 60. Arkansas Code § 23-114-303(c), concerning a background
7 check under the Charitable Bingo and Raffles Enabling Act, is amended to read
8 as follows:

9 (c) The responsible person within an authorized organization shall
10 meet the following requirements:

11 (1) The responsible person shall not have been found guilty of
12 or pleaded guilty or no contest to:

13 (A) Any felony by any court in the State of Arkansas; or

14 (B) Any similar offense by a court in another state or of
15 any similar offense by a military or federal court;

16 (2)(A)(i) In order to determine a responsible person's
17 suitability to organize, conduct, and administer raffles and bingo sessions,
18 the Director of the Department of Finance and Administration may require that
19 the responsible person be fingerprinted and the fingerprints forwarded for a
20 criminal background check through the Department of Arkansas State Police.

21 (ii) A criminal background check required under this
22 section shall not include any record of a conviction that was lawfully sealed
23 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
24 seq., or otherwise previously sealed or expunged under prior law.

25 (B) After the completion of the criminal background check
26 through the Department of Arkansas State Police, the fingerprints shall be
27 forwarded by the Department of Arkansas State Police to the Federal Bureau of
28 Investigation for a national criminal history record check; and

29 (3) The responsible person shall sign a release that allows the
30 Department of Arkansas State Police to release:

31 (A) An Arkansas noncriminal justice background check to
32 the Department of Finance and Administration; and

33 (B) A fingerprint card of the applicant to the Federal
34 Bureau of Investigation to allow a federal fingerprint-based background check
35 to be performed.

36

1 SECTION 61. Arkansas Code § 23-114-304(c), concerning a background
2 check under the Charitable Bingo and Raffles Enabling Act, is amended to read
3 as follows:

4 (c) The person or persons who are responsible for the applicant's
5 sales of bingo equipment shall meet the following requirements:

6 (1) The person or persons shall not have been found guilty of or
7 pleaded guilty or no contest to:

8 (A) Any felony by any court in the State of Arkansas; or

9 (B) Any similar offense by a court in another state or of
10 any similar offense by a military or federal court;

11 (2)(A)(i) In order to determine the person's or persons'
12 suitability to be involved in the sale of bingo equipment, the Director of
13 the Department of Finance and Administration may require that the person or
14 persons be fingerprinted and the fingerprints forwarded for a criminal
15 background check through the Department of Arkansas State Police.

16 (ii) A criminal background check required under this
17 section shall not include any record of a conviction that was lawfully sealed
18 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
19 seq., or otherwise previously sealed or expunged under prior law.

20 (B) After the completion of the criminal background check
21 through the Department of Arkansas State Police, the fingerprints shall be
22 forwarded by the Department of Arkansas State Police to the Federal Bureau of
23 Investigation for a national criminal history record check; and

24 (3) The person or persons responsible for an applicant's sales
25 of bingo equipment shall sign a release that allows the Department of
26 Arkansas State Police to release the following:

27 (A) An Arkansas noncriminal justice background check to
28 the Department of Finance and Administration; and

29 (B) A fingerprint card of the applicant to the Federal
30 Bureau of Investigation to allow a federal fingerprint-based background check
31 to be performed.

32
33 SECTION 62. Arkansas Code § 23-115-301(b), concerning the background
34 check conducted under the Arkansas Scholarship Lottery Act, is amended to
35 read as follows:

36 (b)(1)(A) An individual considered for appointment as director shall

1 apply to the Identification Bureau of the Department of Arkansas State Police
2 for a state and federal criminal background check to be conducted by the
3 Identification Bureau of the Department of Arkansas State Police and the
4 Federal Bureau of Investigation.

5 (B) A criminal background check required under this
6 section shall not include any record of a conviction that was lawfully sealed
7 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
8 seq., or otherwise previously sealed or expunged under prior law.

9 (2) The state and federal criminal background check shall
10 conform to the applicable federal standards and shall include the taking of
11 fingerprints.

12 (3) The applicant shall sign a consent to the release of
13 information for the state and federal criminal background check.

14 (4) The office shall be responsible for the payment of any fee
15 associated with the state and federal criminal background check.

16 (5) Upon completion of the state and federal criminal background
17 check, the Identification Bureau of the Department of Arkansas State Police
18 shall forward to the Governor and the office all releasable information
19 obtained concerning the applicant.

20
21 SECTION 63. Arkansas Code § 23-115-601(e), concerning the background
22 check conducted under the Arkansas Scholarship Lottery Act, is amended to
23 read as follows:

24 (e)(1)(A) A person seeking to be a retailer shall apply to the
25 Identification Bureau of the Department of Arkansas State Police for a state
26 and federal criminal background check, to be conducted by the Identification
27 Bureau of the Department of Arkansas State Police and the Federal Bureau of
28 Investigation.

29 (B) A criminal background check required under this
30 section shall not include any record of a conviction that was lawfully sealed
31 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
32 seq., or otherwise previously sealed or expunged under prior law.

33 (2) The state and federal criminal background check shall
34 conform to applicable federal standards and shall include the taking of
35 fingerprints.

36 (3) The applicant shall sign a consent to the release of

1 information for the state and federal criminal background check.

2 (4) The office shall be responsible for the payment of any fee
3 associated with the state and federal criminal background check.

4 (5) Upon completion of the state and federal criminal background
5 check, the Identification Bureau of the Department of Arkansas State Police
6 shall forward to the office all releasable information obtained concerning
7 the applicant.

8
9 SECTION 64. Arkansas Code § 25-1-112 is amended to read as follows:

10 25-1-112. Sexual offenses screened in criminal background checks.

11 (a) Whenever a criminal background check is performed on a person
12 under the provisions of any criminal background check requirement contained
13 in this Code for employment, licensure, or any other purpose, the person may
14 be disqualified for employment, licensure, or any other purpose for which the
15 background check was conducted if it is determined that the person committed
16 a violation of any sexual offense formerly proscribed under §§ 5-14-101 – 5-
17 14-103, 5-14-104 – 5-14-109 [repealed], 5-14-110 – 5-14-112, 5-14-113 – 5-14-
18 119 [reserved], 5-14-120 – 5-14-121 [repealed], and 5-14-122 – 5-14-127, that
19 is substantially equivalent to any sexual offense presently listed in §§ 5-
20 14-101 – 5-14-103, 5-14-104 – 5-14-109 [repealed], 5-14-110 – 5-14-112, 5-14-
21 113 – 5-14-119 [reserved], 5-14-120 – 5-14-121 [repealed], and 5-14-122 – 5-
22 14-127, and is an offense screened for in a criminal background check.

23 (b) However, a person is not disqualified for employment, licensure,
24 or any other purpose for which the background check was conducted if the
25 conviction was lawfully sealed under the Comprehensive Criminal Record
26 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or
27 expunged under prior law.

28
29 SECTION 65. Arkansas Code § 25-1-123(b), concerning a criminal
30 background check for public employees controlling public funds, is amended to
31 read as follows:

32 (b)(1)(A) A public employer shall obtain a state criminal background
33 check to be conducted by the Identification Bureau of the Department of
34 Arkansas State Police before finalizing the hiring of an applicant for an
35 employment position with supervisory fiduciary responsibility over all fiscal
36 matters.

1 (B) The criminal background check required under this
2 section shall not include any record of a conviction that was lawfully sealed
3 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
4 seq., or otherwise previously sealed or expunged under prior law.

5 (2) The applicant shall sign a release of information to the
6 public employer.

7 (3) The public employer may:

8 (A) Choose to be responsible for the payment of any fee
9 associated with the state criminal background check; or

10 (B) Provide that the applicant is responsible for the
11 payment of any fee associated with the criminal background check.

12 (4) Upon completion of the criminal background check, the
13 Identification Bureau shall forward to the public employer all releasable
14 information obtained concerning the applicant.

15
16 SECTION 66. Arkansas Code § 25-16-1104 is amended to read as follows:
17 25-16-1104. Disqualification from office.

18 A public servant who pleads guilty or nolo contendere to or is found
19 guilty of an offense under § 25-16-1103(a) shall be disqualified and barred
20 from holding an office, position, or employment in a governmental body,
21 unless the conviction was lawfully sealed under the Comprehensive Criminal
22 Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously
23 sealed or expunged under prior law.

24
25 SECTION 67. Arkansas Code § 26-57-216(3)(C), concerning the background
26 check conducted by Arkansas Tobacco Control, is amended to read as follows:

27 (C)(i) Arkansas Tobacco Control shall conduct a criminal
28 justice background check on each permit applicant and application, utilizing
29 its Arkansas Crime Information Center access as a law enforcement agency, in
30 accordance with §§ 12-12-1008 – 12-12-1011.

31 (ii) A criminal justice background check required
32 under this section shall not include any record of a conviction that was
33 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013,
34 § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior
35 law.

1 SECTION 68. Arkansas Code § 27-16-1106(6), concerning the requirements
 2 for the issuance of a driver’s license, is amended to read as follows:

3 (6)(A) Subject all persons authorized to manufacture or produce
 4 driver’s licenses and identification cards to appropriate security clearance
 5 requirements to include, but not be limited to, criminal background checks.

6 (B) A criminal background check required under this
 7 section shall not include any record of a conviction that was lawfully sealed
 8 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
 9 seq., or otherwise previously sealed or expunged under prior law; and

10
 11 SECTION 69. Arkansas Code § 28-65-702(b)(1), concerning the
 12 qualifications to serve as Public Guardian for Adults, is amended to read as
 13 follows:

14 (b)(1) In addition to the qualifications required under § 28-65-203,
 15 the public guardian shall:

16 (A) Hold a degree in law or social work or a related
 17 field;

18 (B)(i) Submit to a criminal background check with
 19 satisfactory results as prescribed by the Department of Human Services.

20 (ii) A criminal background check required under this
 21 section shall not include any record of a conviction that was lawfully sealed
 22 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
 23 seq., or otherwise previously sealed or expunged under prior law;

24 (C) Attend and complete at least twenty (20) hours of
 25 training approved by the department; and

26 (D) Demonstrate competency and ability to carry out the
 27 values of the ward.

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