

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

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/21/97

## A Bill

ACT 1272 OF 1997  
HOUSE BILL 2223

5 By: Representative Ingram  
6  
7

### For An Act To Be Entitled

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

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### Subtitle

20 "TO AUTHORIZE CRIMINAL RECORDS CHECKS  
21 BASED UPON A NAME CHECK IN CERTAIN  
22 INSTANCES."  
23

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

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

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

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

11                           (B) Results of the criminal records check are delayed.  
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13           SECTION 3. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.  
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17           SECTION 4. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.  
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23           SECTION 5. All laws and parts of laws in conflict with this act are  
24 hereby repealed.  
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26           SECTION 6. EMERGENCY. It is found and determined by the General  
27 Assembly that in some instances the results of criminal records checks  
28 conducted by the Federal Bureau of Investigation on applicants for licensure  
29 by the State Board of Education are not received in a timely manner by the  
30 Department of Education; that under existing state law such applicants cannot  
31 continue in employment with local school districts, thereby creating hardship  
32 for school children, the school districts, and the employees and that the  
33 immediate implementation of this act is necessary to alleviate such hardship  
34 in the current school year. Therefore, an emergency is declared to exist and  
35 this act being immediately necessary for the preservation of the public peace,  
36 health and safety shall become effective on the date of its approval by the

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

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/s/Rep. Ingram

APPROVED: 4-09-97