

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1248 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/10/05

A Bill

HOUSE BILL 2914

5 By: Representative Cowling
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8 **For An Act To Be Entitled**

9 AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK ON
10 AND SUBMISSION OF FINGERPRINTS BY APPLICANTS FOR
11 AN ALCOHOLIC BEVERAGE CONTROL DIVISION PERMIT;
12 AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT TO REQUIRE ALCOHOLIC BEVERAGE
16 CONTROL DIVISION APPLICANTS TO SUBMIT TO
17 A CRIMINAL BACKGROUND CHECK AND TO
18 SUBMIT FINGERPRINTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 3, Chapter 2, Subchapter 1 is amended
24 to add an additional section to read as follows:

25 3-2-103. Information to be submitted by applicants.

26 (a) Any person applying for any permit issued by the Alcoholic
27 Beverage Control Division, except as provided in subsection (b) or (c) of
28 this section, shall meet the following requirements:

29 (1) No applicant shall have been found guilty of or pleaded
30 guilty or nolo contendere to:

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

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

34 (2)(A) In order to determine the applicant's suitability for a
35 permit, the applicant shall be fingerprinted, and the fingerprints shall be



1 forwarded for a criminal background check through the Department of Arkansas
2 State Police.

3 (B) After the completion of the criminal background check
4 through the Department of Arkansas State Police, the fingerprints shall be
5 forwarded by the Department of Arkansas State Police to the Federal Bureau of
6 Investigation for a national crime history record check; and

7 (3) The applicant shall sign a release that allows the
8 Department of Arkansas State Police to release:

9 (A) An Arkansas noncriminal justice background check to
10 the Alcoholic Beverage Control Board; and

11 (B) A fingerprint card of the applicant to the Federal
12 Bureau of Investigation to allow a federal fingerprint-based background check
13 to be performed.

14 (b) No fingerprint submission or criminal background check shall be
15 required for any person applying for for a nonresident seller's permit or for
16 a wholesale support center permit as authorized by § 3-5-1301 et seq.

17 (c) No fingerprint submission shall be required for any person
18 applying for any permit that has a stated duration of five (5) days or less.

19 (d) This section is supplementary to any and all requirements that
20 exist for various permits issued by the Alcoholic Beverage Control Division,
21 and all other individual permit requirements shall continue to apply to those
22 respective permit applications.

23 (e) The Alcoholic Beverage Control Division may adopt rules to
24 implement the provisions of this section.

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26 /s/ Cowling

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29 APPROVED: 3/24/2005

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