Stricken language would be deleted from and underlined language would be added to present law.

Act 572 of the Regular Session

State of Arkansas  
As Engrossed: H3/3/17

A Bill

HOUSE BILL 1685

By: Representative Tucker

For An Act To Be Entitled

AN ACT TO CLARIFY THE CRIMINAL BACKGROUND CHECKS REQUIRED FOR AN APPLICANT OR EMPLOYEE OF A CHILD CARE FACILITY OR A CHURCH-EXEMPT CHILD CARE FACILITY; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE CRIMINAL BACKGROUND CHECKS REQUIRED FOR AN APPLICANT OR EMPLOYEE OF A CHILD CARE FACILITY OR A CHURCH-EXEMPT CHILD CARE FACILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-38-103(a)(3) and (4), concerning criminal background checks for applicants and employees of service providers, are amended to read as follows:

(3) **If** except as provided in subdivision (a)(4) of this section, if the service provider can verify that the applicant has lived continuously in the state for the past five (5) years, the service provider shall require the applicant to submit a criminal history records check form and shall:

(A) Initiate a state criminal history records check on the applicant with the Identification Bureau of the Department of Arkansas State Police; and

(B) Conduct a registry check on the applicant in accordance with the rules of the appropriate licensing or certifying agency.

(4) If the service provider cannot verify that the applicant has lived continuously in the state for the past five (5) years or if the
applicant is seeking employment at a child care facility as defined by § 20-78-202 or a church-exempt child care facility as recognized under § 20-78-209, regardless of the length of time that the applicant has lived in the state, the service provider shall require the applicant to submit a criminal history records check form and a complete set of fingerprints and shall:

(A) Initiate a state criminal history records check on the applicant with the Identification Bureau of the Department of Arkansas State Police;

(B) Forward the applicant’s fingerprints to the Identification Bureau of the Department of Arkansas State Police to initiate a national criminal history records check on the applicant; and

(C) Conduct a registry records check on the applicant in accordance with the rules of the appropriate licensing or certifying agency.

/s/Tucker

APPROVED: 03/22/2017