

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1251

5 By: Representative L. Johnson  
6 By: Senators J. Boyd, Irvin  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THAT CRIMINAL BACKGROUND CHECKS  
10 APPLY TO ALL EMERGENCY MEDICAL SERVICES PERSONNEL; TO  
11 AMEND THE CRIMINAL BACKGROUND CHECK LAW TO INCLUDE  
12 OFFENSES PROSECUTED IN OTHER STATES OR BY FEDERAL  
13 COURTS; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO CLARIFY THAT CRIMINAL BACKGROUND  
17 CHECKS APPLY TO ALL EMERGENCY MEDICAL  
18 SERVICES PERSONNEL; AND TO AMEND THE  
19 CRIMINAL BACKGROUND CHECK LAW TO INCLUDE  
20 OFFENSES PROSECUTED IN OTHER STATES OR BY  
21 FEDERAL COURTS.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 20-13-1106(a), concerning disqualifying  
28 offenses and waivers for emergency medical services personnel, is amended to  
29 read as follows:

30 (a)(1) Except as provided in subdivision (d)(1) of this section, the  
31 Division of Emergency Medical Services of the Department of Health shall  
32 issue a determination that a person is disqualified from certification or  
33 recertification if the person has been found guilty of or has pleaded guilty  
34 or nolo contendere ~~to any of the offenses listed in this subdivision (a)(1),~~  
35 in a state court, inside or outside of this state, or a federal court, to any  
36 of the following offenses or similar conduct under another jurisdiction,



1 including offenses for which the record has been expunged:

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

3 (B) Murder in the first degree as prohibited in § 5-10-102

4 and murder in the second degree as prohibited in § 5-10-103;

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

6 (D) Negligent homicide as prohibited in § 5-10-105;

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

8 (F) False imprisonment in the first degree as prohibited

9 in § 5-11-103;

10 (G) Permanent detention or restraint as prohibited in § 5-

11 11-106;

12 (H) Robbery as prohibited in § 5-12-102;

13 (I) Aggravated robbery as prohibited in § 5-12-103;

14 (J) Battery in the first degree as prohibited in § 5-13-

15 201;

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

17 (L) Introduction of a controlled substance into the body

18 of another person as prohibited in § 5-13-210;

19 (M) Terroristic threatening in the first degree as

20 prohibited in § 5-13-301(a);

21 (N) Rape as prohibited in § 5-14-103;

22 (O) Sexual indecency with a child as prohibited in § 5-14-

23 110;

24 (P) Sexual assault in the first degree, second degree,

25 third degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;

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

27 (R) Offenses against the family as prohibited in §§ 5-26-

28 303 – 5-26-306;

29 (S) Endangering the welfare of an incompetent person in

30 the first degree as prohibited in § 5-27-201;

31 (T) Endangering the welfare of a minor in the first degree

32 as prohibited in § 5-27-205;

33 (U) Permitting child abuse as prohibited in § 5-27-221(a);

34 (V) Engaging children in sexually explicit conduct for use

35 in a visual or print medium, transportation of minors for prohibited sexual

36 conduct, pandering or possessing a visual or print medium depicting sexually

1 explicit conduct involving a child, or use of a child or consent to use of a  
 2 child in a sexual performance by producing, directing, or promoting a sexual  
 3 performance by a child as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402, and  
 4 5-27-403;

5 (W) Felony adult abuse as prohibited in § 5-28-103;

6 (X) Theft of property as prohibited in § 5-36-103;

7 (Y) Theft by receiving as prohibited in § 5-36-106;

8 (Z) Arson as prohibited in § 5-38-301;

9 (AA) Burglary as prohibited in § 5-39-201;

10 (BB) Felony violation of the Uniform Controlled Substances  
 11 Act, § 5-64-101 et seq., as prohibited in:

12 (i) The former § 5-64-401; and

13 (ii) Sections 5-64-419 – 5-64-442;

14 (CC) Promotion of prostitution in the first degree as  
 15 prohibited in § 5-70-104;

16 (DD) Stalking as prohibited in § 5-71-229;

17 (EE) Criminal attempt, criminal complicity, criminal  
 18 solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-  
 19 3-301, and 5-3-401 to commit any of the offenses listed in this subsection;

20 (FF) Driving or boating while intoxicated, as prohibited  
 21 in § 5-65-103, that is a:

22 (i) Felony; and

23 (ii) Fourth or subsequent offense;

24 (GG) Computer child pornography as prohibited in § 5-27-  
 25 603;

26 (HH) Computer exploitation of a child in the first degree  
 27 as prohibited in § 5-27-605;

28 (II) Aggravated assault upon a law enforcement officer or  
 29 an employee of a correctional facility, as prohibited in § 5-13-211, if a  
 30 Class Y felony; and

31 (JJ) Sexual extortion as prohibited in § 5-14-113.

32 (2)(A) However, the division shall forward a request for a  
 33 waiver to the Secretary of the Department of Health on all applicants who  
 34 have been convicted of the crimes in subdivision (a)(1) of this section if  
 35 five (5) years have passed since the conviction, if five (5) years have  
 36 passed since release from custodial confinement, or if the applicants are

1 currently certified emergency medical ~~technicians~~ services personnel, prior  
2 to making the final determination on certification or recertification.

3 (B) ~~These individuals will~~ Individuals under subdivision  
4 (a)(2)(A) of this section shall not be suspended prior to the secretary's  
5 making the final determination.

6  
7 SECTION 2. Arkansas Code § 20-13-1106(b), concerning criminal  
8 background check waivers for emergency medical services personnel, is amended  
9 to read as follows:

10 (b) An applicant shall not be disqualified from certification or  
11 recertification when the applicant has been found guilty of or has pleaded  
12 guilty or nolo contendere to a misdemeanor if the offense:

13 (1) Did not involve exploitation of an adult, abuse of a person,  
14 neglect of a person, or sexual contact; or

15 (2) Was not committed while performing ~~the duties of an~~  
16 emergency medical technician as emergency medical services personnel.

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19 **APPROVED: 2/13/23**  
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