

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 2213 of the Regular Session

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

As Engrossed: H3/25/05

**A Bill**

HOUSE BILL 2595

5 By: Representative Mahony  
6 By: *Senator Broadway*  
7  
8

**For An Act To Be Entitled**

9  
10 *AN ACT TO PROVIDE FOR ELECTRONIC ACCESS TO*  
11 *CRIMINAL HISTORY BACKGROUND CHECKS FOR CERTAIN*  
12 *STUDENTS AND PROSPECTIVE STUDENTS AT INSTITUTIONS*  
13 *OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.*  
14

**Subtitle**

15  
16 *AN ACT TO PROVIDE FOR ELECTRONIC ACCESS*  
17 *TO CRIMINAL HISTORY BACKGROUND CHECKS*  
18 *FOR CERTAIN STUDENTS AND PROSPECTIVE*  
19 *STUDENTS AT INSTITUTIONS OF HIGHER*  
20 *EDUCATION.*  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 *SECTION 1. Arkansas Code § 12-12-1009(a), concerning the availability*  
26 *of conviction information, is amended to read as follows:*

27 *(a) Conviction information shall be made available for the following*  
28 *noncriminal justice purposes:*

29 *(1) To any local, state, or federal governmental agency that*  
30 *requests the information for the enforcement of a local, state, or federal*  
31 *law;*

32 *(2) To any ~~nongovernmental~~ entity authorized either by the*  
33 *subject of the record in writing or by state or federal law to receive such*  
34 *information; and*

35 *(3) To any federal agency or central repository in another state*



1 requesting the information for purposes authorized by law.

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3 SECTION 2. Arkansas Code § 12-12-1502(a), concerning the intent of the  
4 Arkansas State Criminal Records Act, is amended to read as follows:

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

6 (1) Provide one (1) source for obtaining the most accurate and  
7 complete criminal history information; ~~and~~

8 (2) Allow dissemination of criminal history information to  
9 employers, ~~and~~ professional licensing boards, and any entity mandated by  
10 Arkansas law to perform background checks through the Department of Arkansas  
11 State Police pertaining to all felony arrest information and all conviction  
12 information; and

13 (3) Allow electronic dissemination of criminal history  
14 information to institutions of higher education for students enrolled in, and  
15 prospective students seeking enrollment to, a medical, nursing, pharmacy, or  
16 other health-related course of study at an institution of higher education  
17 located in Arkansas, with the written consent of the student or prospective  
18 student.

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20 SECTION 3. Arkansas Code § 12-12-1503(9)(A), concerning the definition  
21 of dissemination, is amended to read as follows:

22 (9)(A) "Dissemination" means disclosing criminal history  
23 information or disclosing the absence of criminal history information to any  
24 ~~agency, professional licensing board, business designated by state or federal~~  
25 ~~law, or any other employer legally doing business in and paying taxes to the~~  
26 ~~State of Arkansas~~ requestor who has applied and been approved by the  
27 Department of Arkansas State Police to receive the information.

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29 SECTION 4. Arkansas Code § 12-12-1503(11), concerning the definition  
30 of requestor, is amended to read as follows:

31 (11) "Requestor" means the employer, ~~or~~ professional licensing  
32 board, institution of higher education, or any entity mandated by Arkansas  
33 law to perform criminal background checks through the Department of Arkansas  
34 State Police that has submitted an inquiry into a subject's criminal history  
35 information under this subchapter; and

1           SECTION 5. Arkansas Code § 12-12-1506(a)(4)(A), concerning retention  
2 of written consents to obtain criminal history information, is amended to  
3 read as follows:

4                   (4)(A)(i) Each ~~employer or professional licensing board~~  
5 requestor that is allowed access to criminal history information under this  
6 subchapter shall maintain in its files for at least three (3) years the  
7 written consent to obtain the criminal history information given by the  
8 applicant, ~~or employee, student, or prospective student~~.

9                   (ii) Any ~~employer or professional licensing board~~  
10 requestor that is granted access to criminal history information under this  
11 subchapter shall not disseminate the criminal history information.

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13   /s/ Mahony

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16   APPROVED: 4/13/2005

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