

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 264

TO CREATE THE FRESH START ACT OF 2019; AND TO HELP INDIVIDUALS WITH CRIMINAL RECORDS REENTER AND MOVE TO THE WORKFORCE AND STAY OUT OF PRISON; AND TO DECLARE AN EMERGENCY.

Amendment No. 3 to Senate Bill 264

Amend Senate Bill No. 264 as engrossed, S2/26/19 (version: 02/26/2019 10:15:30 AM)

Page 3, line 4, delete "the clear and convincing standard" and substitute "the preponderance of the evidence standard"

AND

Page 3, delete line 24 through 26, and substitute the following:

"(A) Was not convicted of an offense that was violent or sexual in the nature offense;

(B) Was not convicted more than one (1) time for any felony offense and does not have a background that gives reason to believe that he or she might pose a grave, serious, or substantial risk concerning public safety that gives cause for denying licensure; or

(C) Has not been convicted of any other offense during the"

AND

Page 4, line 29, delete "clear and convincing evidence" and substitute "a preponderance of the evidence"

AND

Page 15, delete lines 24 through 36

AND

Page 16, delete lines 1 through 4

AND



Page 44, delete line 5, and substitute the following:

"passed the General Educational Development Test or the equivalent.

SECTION 111. Arkansas Code § 17-11-302, concerning application for a certificate of registration of an abstracter, is amended to add an additional subsection to read as follows:

(f) The board may deny, suspend, or revoke a certification of registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 112. Arkansas Code § 17-12-303, concerning criminal background checks for initial licensure of an accountant, is amended to add an additional subsection to read as follows:

(i) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 113. Arkansas Code § 17-13-107, concerning requirements for licensing of agricultural consultants, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 114. Arkansas Code § 17-14-302, concerning requirements for licensing of appraisers, is amended to add an additional subsection to read as follows:

(c) The Arkansas Appraiser Licensing and Certification Board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 115. Arkansas Code § 17-15-203, concerning powers and duties of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 116. Arkansas Code § 17-16-106, concerning certification of registration for an athlete agent, is amended to add an additional subsection to read as follows:

(e) The Secretary of State may deny, suspend, or revoke a registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 117. Arkansas Code § 17-17-301, concerning qualifications and examination of auctioneers, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 118. Arkansas Code § 17-19-202, concerning applications for licensure of bail bondsmen, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 119. Arkansas Code § 17-20-303, concerning applications for licensure of barbers, is amended to add an additional subsection to read as follows:

(g) The State Board of Barber Examiners may deny, suspend, or revoke a registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 120. Arkansas Code § 17-22-305 is amended to read as follows:
17-22-305. Refusal or revocation of license.

(a) The State Athletic Commission may refuse for good cause or for a felony listed as required under § 17-2-105(a)(1) to issue a license under § 17-22-302(a).

(b) The commission may also revoke for good cause or for a felony listed as required under § 17-2-105(a)(1) any license granted under authority of this chapter.

SECTION 121. Arkansas Code § 17-24-302, concerning qualifications and restrictions on licensure as a collection agency, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 122. Arkansas Code § 17-25-308, concerning grounds for revocation of licensure as a contractor, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 123. Arkansas Code § 17-26-205, concerning the powers and duties of the Department of Health regarding cosmetology and other related occupations, is amended to add an additional subsection to read as follows:

(e) The department may deny, suspend, or revoke a certificate or license for a felony listed as required under § 17-2-105(a)(1).

SECTION 124. Arkansas Code § 17-27-309, concerning suspension or revocation of a license for counselors, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 125. Arkansas Code § 17-27-414, concerning suspension or revocation of a license for alcoholism and drug abuse counselors, is amended to add an additional subsection to read as follows:

(m) The board may deny, suspend, or revoke a license, registration, or certificate for a felony listed as required under § 17-2-105(a)(1).

SECTION 126. Arkansas Code § 17-28-202, concerning the duties of Board of Electrical Examiners of the State of Arkansas and Department of Labor, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 127. Arkansas Code § 17-29-312, concerning suspension or revocation of a licensure as an embalmer or funeral director, is amended to add an additional subsection to read as follows:

(d) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 128. Arkansas Code § 17-30-302, concerning application qualifications and examination for licensure of an engineer, is amended to add an additional subsection to read as follows:

(e) The State Board of Licensure for Professional Engineers and Professional Surveyors may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 129. Arkansas Code § 17-31-309, concerning the grounds for revocation of a certificate of registration of a forester, is amended to add an additional subsection to read as follows:

(i) The board may deny, suspend, or revoke a certificate of registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 130. Arkansas Code § 17-32-311, concerning the grounds for denial or revocation of a certificate of registration of a geologist, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a certificate of registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 131. Arkansas Code § 17-33-305, concerning the grounds for denial of a license or registration of a HVACR worker, is amended to add an additional subdivision to read as follows:

(4) Committed a felony listed as required under § 17-2-105(a)(1).

SECTION 132. Arkansas Code § 17-35-305, concerning the grounds for denial of a registration of an interior designer, is amended to add an additional subdivision to read as follows:

(11) The holder of the registration has committed a felony listed as required under § 17-2-105(a)(1).

SECTION 133. Arkansas Code § 17-35-802, concerning the requirements for a registration of an residential interior designer, is amended to add an additional subsection to read as follows:

(f) The State Board of Registered Interior Designers may deny, suspend, or revoke a registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 134. Arkansas Code § 17-36-306, concerning the grounds for denial of a license of a landscape architect, is amended to add an additional subdivision to read as follows:

(11) The holder of a license has committed a felony listed as required under § 17-2-105(a)(1).

SECTION 135. Arkansas Code § 17-37-201, concerning the requirements for a license of pest control services, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 136. Arkansas Code § 17-38-309, concerning the grounds for suspension or revocation of a license of a plumber, is amended to add an additional subdivision to read as follows:

(4) Committed a felony listed as required under § 17-2-105(a)(1).

SECTION 137. Arkansas Code § 17-39-211, concerning the grounds for denial, suspension, or revocation of a polygraph examiner license or an intern polygraph examiner license, is amended to add an additional subdivision to read as follows:

(11) Committed a felony listed as required under § 17-2-105(a)(1).

SECTION 138. Arkansas Code § 17-39-306, concerning the grounds for denial, suspension, or revocation of a license of a certified voice stress analysis examiner, is amended to add an additional subdivision to read as follows:

(12) Committing a felony listed as required under § 17-2-105(a)(1).

SECTION 139. Arkansas Code § 17-40-350(a), concerning the grounds for denial of a license, credential, or commission, of a private investigator and private security agencies, is amended to add an additional subdivision to read as follows:

(4) Committed a felony listed as required under § 17-2-105(a)(1).

SECTION 140. Arkansas Code § 17-42-302, concerning issuance or denial of a license for real estate agents, is amended to add an additional subsection to read as follows:

(c) The commission may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 141. Arkansas Code § 17-43-309, concerning the grounds of denial, suspension, or revocation of a certificate of registration for sanitarians, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a certificate of registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 142. Arkansas Code § 17-45-103 is amended to read as follows:

(f) The department may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 143. Arkansas Code § 17-47-312, concerning the grounds of disciplinary actions and procedures relating to registration and

certification of soil classifiers, is amended to add an additional subsection to read as follows:

(k) The board may deny, suspend, or revoke a certificate of registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 144. Arkansas Code § 17-48-208, concerning the grounds of disciplinary actions and procedures relating to licensure of surveyors, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a licensure for a felony listed as required under § 17-2-105(a)(1).

SECTION 145. Arkansas Code § 17-50-301, concerning the qualifications for a certificate of registration as a certified water well driller or certified pump installer, is amended to add an additional subsection to read as follows:

(c) The commission may deny, suspend, or revoke a certificate of registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 146. Arkansas Code § 17-50-308, concerning the grounds of suspension or revocation of a license for a water well contractor, is amended to add an additional subsection to read as follows:

(e) The commission may deny, suspend, or revoke a licensure for a felony listed as required under § 17-2-105(a)(1).

SECTION 147. Arkansas Code § 17-51-205, concerning the grounds of suspension or revocation of a license for a water system operator, is amended to add an additional subsection to read as follows:

(e) The department may deny, suspend, or revoke a licensure for a felony listed as required under § 17-2-105(a)(1).

SECTION 148. Arkansas Code § 17-52-317, concerning a certificates of registration under the Arkansas Home Inspectors Registration Act, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a certificate of registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 149. Arkansas Code § 17-55-101, concerning licensure of electrical inspectors, is amended to add an additional subsection to read as follows:

(f) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 150. Arkansas Code § 17-81-318, concerning criminal background checks for licensure as a chiropractor, is amended to add an additional subsection to read as follows:

(k) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 151. Arkansas Code § 17-82-802 is amended to read as follows:
17-82-802. License eligibility.

(a) A person shall not be is not eligible to receive or hold a license to practice dentistry or another healthcare profession issued by the Arkansas State Board of Dental Examiners if the person has pleaded guilty or nolo contendere or has been found guilty of either an infamous crime that would impact his or her ability to practice dentistry or oral hygiene in the State of Arkansas or a felony, regardless of whether the conviction has been sealed, expunged, or pardoned.

(b) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 152. Arkansas Code § 17-83-307, concerning the grounds for denial, suspension, or revocation of a license of a dietitian, is amended to add an additional subdivision to read as follows:

(5) Committing a felony listed as required under § 17-2-105(a)(1).

SECTION 153. Arkansas Code § 17-84-308, concerning the suspension, revocation, nonissuance, or nonrenewal of a license for a hearing instrument dispenser, is amended to add an additional subsection to read as follows:

(d) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 154. Arkansas Code § 17-85-107, concerning the power of the State Board of Health to license lay midwives, is amended to add an additional subsection to read as follows:

(d) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 155. Arkansas Code § 17-86-311, concerning the disciplinary actions and penalties relating to a license as a massage therapist, is amended to add an additional subsection to read as follows:

(f) The committee may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 156. Arkansas Code § 17-87-312, concerning criminal background checks for licensure as a nurse, is amended to add an additional subsection to read as follows:

(m) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 157. Arkansas Code § 17-88-309, concerning the grounds for denial, suspension, or revocation of a license of an occupational therapist, is amended to add an additional subsection to read as follows:

(d) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 158. Arkansas Code § 17-89-309, concerning the grounds for denial, suspension, or revocation of a license of an ophthalmic dispenser, is amended to add an additional subsection to read as follows:

(d) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 159. Arkansas Code § 17-90-305, concerning the grounds for denial, suspension, or revocation of a license of an optometrist, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 160. Arkansas Code § 17-91-101, concerning the grounds for denial, suspension, or revocation of a license of an osteopathic physician, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 161. Arkansas Code § 17-92-317, concerning criminal background checks for licensure as a pharmacist, is amended to add an additional subsection to read as follows:

(l) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 162. Arkansas Code § 17-93-308, concerning the grounds for denial, suspension, or revocation of a license of a physical therapist, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 163. Arkansas Code § 17-93-412, concerning the grounds for denial, suspension, or revocation of a license of an athletic trainer, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 164. Arkansas Code § 17-95-409, concerning the grounds for denial, suspension, or revocation of a license of a physician, is amended to add an additional subsection to read as follows:

(c) The Arkansas State Medical Board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 165. Arkansas Code § 17-96-303, concerning the qualifications of applicants for a license as a podiatrist, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 166. Arkansas Code § 17-97-312, concerning criminal background checks for licensure as a psychologist and psychological examiner, is amended to add an additional subsection to read as follows:

(n) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 167. Arkansas Code § 17-98-306, concerning the grounds for denial, suspension, or revocation of a certificate of registration for a

disease intervention specialist, is amended to add an additional subdivision to read as follows:

(3) Has committed a felony listed as required under § 17-2-105(a)(1).

SECTION 168. Arkansas Code § 17-99-307, concerning the grounds for denial, suspension, or revocation of a license or permit for respiratory care practitioners, is amended to add an additional subdivision to read as follows:

(8) Has committed a felony listed as required under § 17-2-105(a)(1).

SECTION 169. Arkansas Code § 17-100-307, concerning the grounds for denial, suspension, or revocation of a license of a speech-language pathologist and audiologist, is amended to add an additional subsection to read as follows:

(d) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 170. Arkansas Code § 17-101-305, concerning the grounds for denial, suspension, or revocation of a license of a veterinarian, is amended to add an additional subsection to read as follows:

(d) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 171. Arkansas Code § 17-101-308, concerning the grounds for denial, suspension, or revocation of a license of a veterinary technician, is amended to add an additional subsection to read as follows:

(c) The board may deny, suspend, or revoke a certificate or registration for a felony listed as required under § 17-2-105(a)(1).

SECTION 172. Arkansas Code § 17-102-309, concerning the grounds for denial, suspension, or revocation of a license of an acupuncturist, is amended to add an additional subsection to read as follows:

(e) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 173. Arkansas Code § 17-103-307, concerning criminal background checks for licensure as a social worker, is amended to add an additional subsection to read as follows:

(l) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 174. Arkansas Code § 17-104-301, concerning the qualifications of an applicant for a license as a perfusionist, is amended to add an additional subsection to read as follows:

(f) The board may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 175. Arkansas Code § 17-105-114 is amended to add an additional subdivision to read as follows:

17-105-114. Disciplinary authority.

Upon finding that a physician assistant has committed any offense described in § 17-105-113 or a felony listed as required under § 17-2-105(a)(1), the Arkansas State Medical Board may:

- (1) Refuse to grant a license;
- (2) Administer a public or private reprimand;
- (3) Revoke, suspend, limit, or otherwise restrict a license;
- (4) Require a physician assistant to submit to the care, counseling, or treatment of a physician or physicians designated by the board;
- (5) Suspend enforcement of its finding thereof and place the physician assistant on probation with the right to vacate the probationary order for noncompliance; or
- (6) Restore or reissue, at its discretion, a license and impose any disciplinary or corrective measure which it may have imposed.

SECTION 176. Arkansas Code § 17-106-109, concerning the qualifications of an applicant for a license as a consumer-patient radiation professional is amended to add an additional subsection to read as follows:

(f) The committee may deny, suspend, or revoke a license for a felony listed as required under § 17-2-105(a)(1).

SECTION 177. Arkansas Code § 17-107-310, concerning the disciplinary authority of a license for an orthotist, prosthetist, and pedorthist, is amended to add an additional subdivision to read as follows:

(14) Has committed a felony listed as required under § 17-2-105(a)(1)."

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator T. Garner
JMB/JMB - 03-18-2019 09:42:36
JMB303

Secretary