

**Rule Change on Criminal Background Checks**

**Mark up Copy**

**224-25-3 LICENSE APPLICATIONS**

(c)(1) At the time of application, an applicant shall complete the criminal back ground history form contained within the application.

(2) If the applicant shall have been found guilty or pleaded guilty or nolo contendere to any offense that would disqualify the applicant for licensure under Ark. Code Ann. § 17-2-102 or Ark. Code Ann. § 17-25-305(c) the applicant may request a waiver under Ark. Code Ann. § 17-3-102, ~~except those permanently disqualifying offenses found in Ark. Code Ann § 17-3-102(e).~~

**RECEIVED**

APR 27 2022

BUREAU OF  
LEGISLATIVE RESEARCH

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1796

5 By: Representative Cozart  
6 By: Senator Hill  
7

## For An Act To Be Entitled

8  
9 AN ACT TO AMEND OCCUPATIONAL CRIMINAL BACKGROUND  
10 CHECKS; AND FOR OTHER PURPOSES.  
11

### Subtitle

12  
13 TO AMEND OCCUPATIONAL CRIMINAL  
14 BACKGROUND CHECKS.  
15  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 17-3-102(b)(1), concerning licensing  
21 restrictions based on criminal records, is amended to read as follows:

22 (b)(1) If an individual has been convicted of a crime listed in  
23 subsection (a) or subsection (e) of this section, a licensing entity may  
24 waive disqualification or revocation of a license based on the conviction if  
25 a request for a waiver is made by:

26 (A) An affected applicant for a license; or

27 (B) The individual holding a license subject to  
28 revocation.  
29

30 SECTION 2. Arkansas Code § 17-3-102(e), concerning licensing  
31 restrictions based on criminal records, is amended to read as follows:

32 (e) Due to the serious nature of the offenses, the following shall  
33 result in ~~permanent~~ disqualification for licensure, regardless of the date of  
34 conviction or the date on which probation or incarceration ends unless a  
35 waiver is granted under subsection (b) of this section:

36 (1) Capital murder as prohibited in § 5-10-101;



- 1 (2) Murder in the first degree as prohibited in § 5-10-102 and
- 2 murder in the second degree as prohibited in § 5-10-103;
- 3 (3) Kidnapping as prohibited in § 5-11-102;
- 4 (4) Aggravated assault upon a law enforcement officer or an
- 5 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
- 6 felony;
- 7 (5) Rape as prohibited in § 5-14-103;
- 8 (6) Sexual extortion as prohibited in § 5-14-113;
- 9 (7) Sexual assault in the first degree as prohibited in § 5-14-
- 10 124 and sexual assault in the second degree as prohibited in § 5-14-125;
- 11 (8) Incest as prohibited in § 5-26-202;
- 12 (9) Endangering the welfare of an incompetent person in the
- 13 first degree as prohibited in § 5-27-201;
- 14 (10) Endangering the welfare of a minor in the first degree as
- 15 prohibited in § 5-27-205;
- 16 (11) Adult abuse that constitutes a felony as prohibited in § 5-
- 17 28-103; and
- 18 (12) Arson as prohibited in § 5-38-301.

19

20 SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing

21 restrictions based on criminal records, is amended to read as follows:

22 (g) The ~~permanent~~ disqualification for an offense listed in subsection

23 (a) or subsection (e) of this section does not apply to an individual who

24 holds a valid license on July 24, 2019.

25

26

27 **APPROVED: 4/19/21**

28

29

30

31

32

33

34

35

36