

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1202

5 By: Representative Boyd  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE COMPREHENSIVE CRIMINAL RECORD  
10 SEALING ACT OF 2013 TO ALLOW A STATE AGENCY OR BOARD  
11 ENGAGED IN THE LICENSING OF MEDICAL PROFESSIONALS TO  
12 HAVE ACCESS TO AND USE OF EXPUNGED AND SEALED RECORDS  
13 OF CRIMINAL CONVICTIONS; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 TO AMEND THE COMPREHENSIVE CRIMINAL  
17 RECORD SEALING ACT OF 2013 TO ALLOW A  
18 STATE AGENCY OR BOARD ENGAGED IN THE  
19 LICENSING OF MEDICAL PROFESSIONALS TO  
20 HAVE ACCESS TO AND USE OF EXPUNGED AND  
21 SEALED RECORDS OF CRIMINAL CONVICTIONS.  
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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 § 16-90-1416(a) is amended to read as  
28 follows:

29 (a) The custodian of a sealed record shall not disclose the existence  
30 of the sealed record or release the sealed record except when requested by:

31 (1) The person whose record was sealed or the person's attorney  
32 when authorized in writing by the person;

33 (2) A criminal justice agency, as defined in § 12-12-1001, and  
34 the request is accompanied by a statement that the request is being made in  
35 conjunction with:

36 (A) An application for employment with the criminal



1 justice agency by the person whose record has been sealed; or

2 (B) A criminal background check under the Polygraph  
 3 Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency,  
 4 Private Investigator, and School Security Licensing and Credentialing Act, §  
 5 17-40-101 et seq.;

6 (3) A court, upon a showing of:

7 (A) A subsequent adjudication of guilt of the person whose  
 8 record has been sealed; or

9 (B) Another good reason shown to be in the interests of  
 10 justice;

11 (4) A prosecuting attorney, and the request is accompanied by a  
 12 statement that the request is being made for a criminal justice purpose; ~~or~~

13 (5) A state agency or board engaged in the licensing of  
 14 healthcare professionals; or

15 (6) The Arkansas Crime Information Center.

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 17 SECTION 2. Arkansas Code § 16-90-1417(b)(2), concerning the effect of  
 18 sealing records, is amended to read as follows:

19 (2) This subchapter does not prevent the use of the record of a  
 20 prior conviction otherwise sealed under this subchapter for the following  
 21 purposes:

22 (A) ~~Any~~ A criminal proceeding for any purpose not  
 23 otherwise prohibited by law;

24 (B) Determination of offender status under the former § 5-  
 25 64-413;

26 (C) Habitual offender status, § 5-4-501 et seq.;

27 (D) Impeachment upon cross-examination as dictated by the  
 28 Arkansas Rules of Evidence; ~~or~~

29 (E) Healthcare professional licensure by a state agency or  
 30 board; or

31 (F) Any disclosure mandated by Rule 17, 18, or 19 of the  
 32 Arkansas Rules of Criminal Procedure.

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 35 **APPROVED: 02/06/2017**