

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

A Bill

SENATE BILL 212

5 By: Senator Irvin
6 By: Representative L. Johnson
7

For An Act To Be Entitled

9 AN ACT TO STREAMLINE CRIMINAL BACKGROUND CHECKS; TO
10 REMOVE THE REQUIREMENT FOR NOTARIZATION FOR REQUESTS
11 FOR CRIMINAL BACKGROUND CHECKS THAT ARE REQUIRED FOR
12 THE LICENSING OF CHILD WELFARE AGENCIES; TO PROVIDE
13 FOR THE SUBMISSION OF ELECTRONIC SIGNATURES ON FORMS
14 FOR CRIMINAL BACKGROUND CHECKS; TO REQUIRE THAT
15 BACKGROUND CHECKS BE FULLY COMPLETED BEFORE
16 EMPLOYMENT OR VOLUNTEERISM WITH A CHILD WELFARE
17 AGENCY BEGINS; TO DECLARE AN EMERGENCY; AND FOR OTHER
18 PURPOSES.
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Subtitle

21 TO REMOVE THE REQUIREMENT FOR
22 NOTARIZATION FOR REQUESTS FOR CRIMINAL
23 BACKGROUND CHECKS THAT ARE REQUIRED FOR
24 THE LICENSING OF CHILD WELFARE AGENCIES;
25 AND TO DECLARE AN EMERGENCY.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code § 9-28-409(d)(1) and (2), concerning criminal
32 records checks conducted under the Child Welfare Agency Licensing Act, is
33 amended to read as follows:

34 (d)(1) Each person required to have a criminal records check under
35 this subchapter shall complete a criminal records check form developed by the
36 department and shall sign the form that contains the following ~~under oath~~



1 ~~before a notary public:~~

2 (A) Certification that the subject of the check consents
3 to the completion of the check;

4 (B) Certification that the subject of the check has not
5 pleaded guilty or nolo contendere to or been found guilty of a crime and if
6 the subject of the check has been convicted of a crime, contains a
7 description of the crime and the particulars of the conviction;

8 (C) Notification that the subject of the check may
9 challenge the accuracy and completeness of any information in any report and
10 obtain a prompt determination as to the validity of the challenge before a
11 final determination is made by the Child Welfare Agency Review Board with
12 respect to his or her employment status or licensing status;

13 (D) Notification that the subject of the check may be
14 denied a license or exemption to operate a child welfare agency or may be
15 denied unsupervised access to children in the care of a child welfare agency
16 due to information obtained by the check that indicates that the subject of
17 the check has pleaded guilty or nolo contendere to or been found guilty of or
18 is under pending indictment for a crime listed in this subchapter; ~~and~~

19 (E) Notification that any background check and the results
20 thereof shall be handled in accordance with the requirements of Pub. L. No.
21 92-544; and

22 (F) Under § 25-32-107(d), the subject of the background
23 check may submit an electronic signature to complete the records check.

24 (2) The owner or operator of the child welfare agency shall
25 submit the criminal records check form to the Division of Child Care and
26 Early Childhood Education for ~~processing within ten (10) days of hiring~~ the
27 employee or volunteer, who shall ~~remain under conditional~~ not begin
28 employment or volunteerism until the registry check and criminal records
29 checks required under this subchapter are completed.

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31 SECTION 2. Arkansas Code § 20-38-104(a)(6), concerning the signature
32 for a state criminal history records check, is amended to read as follows:

33 (6)(A) Contains the ~~notarized~~ signature of the person who is the
34 subject of the state criminal history records check.

35 (B) Under § 25-32-107(d), the subject of the background
36 check may submit an electronic signature to complete the state criminal

1 history records check.

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3 SECTION 3. Arkansas Code § 21-15-107(d)(1), concerning the form
4 developed by the Identification Bureau of the Division of Arkansas State
5 Police, is amended to read as follows:

6 (d)(1)(A) The Identification Bureau of the Division of Arkansas State
7 Police shall develop a form to be used for criminal history checks conducted
8 under this subchapter.

9 (B) The form ~~shall require the notarized signature of the~~
10 ~~person who is the subject of the check~~ under subdivision (d)(1)(A) of this
11 section shall be designed so that completion of the form requires:

12 (i) The notarized signature of the subject of the
13 criminal history check; or

14 (ii) As provided under § 25-32-107(d), the
15 electronic signature of the subject of the criminal history check.

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17 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that child welfare agencies have an
19 urgent need for employees, and the requirement that a form for a criminal
20 background check of an applicant for employment be notarized stalls
21 employment and causes undue hardship; that the Arkansas Code already provides
22 that an electronic signature satisfies any law requiring a signature, but
23 further clarity in certain sections of the Arkansas Code requiring background
24 check forms to be signed is necessary; and that the immediate effect of this
25 act is necessary in order to not cause undue delay in the filing of
26 dependency-neglect petitions and to maintain an orderly and efficient system
27 for hiring employees of child welfare agencies. Therefore, an emergency is
28 declared to exist, and this act being immediately necessary for the
29 preservation of public peace, health, and safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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APPROVED: 3/2/23

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