

Hall of the House of Representatives

85th General Assembly - Regular Session, 2005

Amendment Form

Subtitle of House Bill No. 2595

"AN ACT TO PROVIDE FOR CRIMINAL HISTORY BACKGROUND CHECKS OF PUBLIC
SCHOOL EMPLOYEES."

Amendment No. 1 to House Bill No. 2595.

Amend House Bill No. 2595 as originally introduced:

Add Senator Broadway as a cosponsor of the bill

AND

Page 1, delete lines 9 through 11, and substitute the following:
"AN ACT TO PROVIDE FOR ELECTRONIC ACCESS TO CRIMINAL HISTORY BACKGROUND
CHECKS FOR CERTAIN STUDENTS AND PROSPECTIVE STUDENTS AT INSTITUTIONS OF
HIGHER EDUCATION; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 14 through 16, and substitute the following:
"AN ACT TO PROVIDE FOR ELECTRONIC ACCESS TO CRIMINAL HISTORY BACKGROUND
CHECKS FOR CERTAIN STUDENTS AND PROSPECTIVE STUDENTS AT INSTITUTIONS OF
HIGHER EDUCATION."

AND

Delete everything following the enacting clause and substitute the following:
"SECTION 1. Arkansas Code § 12-12-1009(a), concerning the availability
of conviction information, is amended to read as follows:

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

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

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

(3) To any federal agency or central repository in another state
requesting the information for purposes authorized by law.



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

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

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

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

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

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

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

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

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

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

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

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

The Amendment was read _____
By: Representative Mahony
MBM/JGH - 03-24-2005 10:34
MBM355 _____ Chief Clerk