

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 401

"AN ACT TO AMEND THE CRIMINAL BACKGROUND CHECK ACT."

Amendment No. 1 to Senate Bill No. 401.

Amend Senate Bill No. 401 as engrossed, S3/1/05 (version: 03-01-2005 14:15):

Add Representative Reep as the House sponsor

AND

Page 1, delete lines 32 through 36 and substitute the following:

“(4) “Criminal history check” means a criminal history report produced by the Identification Bureau of the Department of Arkansas State Police;”

AND

Page 2, delete lines 1 through 13

AND

Page 5, delete line 30 and substitute the following:

“(f) ~~No~~ Except as provided in subdivision (g)(2) of this section, no person shall be eligible for employment with a state agency in”

AND

Page 5, delete lines 34 through 36 and substitute the following:

“or of any similar offense by a federal court unless the conviction was vacated or reversed:”

AND

Page 6, delete line 1

AND

Page 7, delete line 21 and substitute the following:

"prohibited in § 5-27-605.



(g)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subdivision (f) of this section shall not be considered a conviction or a plea of guilty or nolo contendere to the offense unless the offense is also listed in subdivision (g)(2) of this section.

(2) Because of the serious nature of the following offenses and the close relationship between the following offenses and the type of work that is to be performed by the applicant, a conviction of one (1) or more of the following offenses by an applicant shall result in permanent disqualification from employment in a designated position:

- (A) Capital murder, as prohibited in § 5-10-101;
- (B) Murder in the first degree and murder in the second degree, as prohibited in §§ 5-10-102 and 5-10-103;
- (C) Kidnapping, as prohibited in § 5-11-102;
- (D) Rape, as prohibited in § 5-11-102;
- (E) Sexual assault in the first degree and second degree, as prohibited in §§ 5-14-124 and 5-14-125;
- (F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree, as prohibited in §§ 5-27-203 and 5-27-204;
- (G) Incest, as prohibited in § 5-26-202;
- (H) Arson, as prohibited in § 5-38-301;
- (I) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201; and
- (J) Adult abuse that constitutes a felony, as prohibited in § 5-28-103."

AND

Page 9, delete line 21 and substitute the following:

"(g) A Except as provided in subdivision (h)(1) of this section, a state agency shall discharge from employment in a designated"

AND

Page 9, delete lines 27 through 29 and substitute the following:

"Act, § 25-15-201 et seq. unless the conviction was vacated or reversed:

AND

Page 11, delete line 13 and substitute the following:

"prohibited in § 5-27-605.

(h)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subdivision (g) of this section shall not be considered a conviction or plea of guilty or nolo contendere to the offense unless the offense is also listed in subdivision (h)(2) of this section.

(2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification:

- (A) Capital murder, as prohibited in § 5-10-101;
- (B) Murder in the first degree and murder in the second

degree, as prohibited in §§ 5-10-102 and 5-10-103;
(C) Kidnapping, as prohibited in § 5-11-102;
(D) Rape, as prohibited in § 5-11-102;
(E) Sexual assault in the first degree and second degree,
as prohibited in §§ 5-14-124 and 5-14-125;
(F) Endangering the welfare of a minor in the first degree
and endangering the welfare of a minor in the second degree, as prohibited in
§§ 5-27-203 and 5-27-204;
(G) Incest, as prohibited in § 5-26-202;
(H) Arson, as prohibited in § 5-38-301;
(I) Endangering the welfare of an incompetent person in
the first degree, as prohibited in § 5-27-201; and
(J) Adult abuse that constitutes a felony, as prohibited
in § 5-28-103.”

AND

Page 16, delete line 3 and substitute the following:

“(f) An expunged record of a conviction or plea of guilty or nolo
contendere to an offense listed in this subsection (f) shall not be
considered a conviction or plea of guilty or nolo contendere to the offense.
No person shall be eligible for employment with a state agency in”

AND

Page 16, delete lines 8 through 10 and substitute the following:

“court unless the conviction was vacated, or reversed:”

AND

Page 19, delete line 18 and substitute the following”

“(f) An expunged record of a conviction or plea of guilty or nolo
contendere to an offense listed in this subsection (f) shall not be
considered a conviction or plea of guilty or nolo contendere to the offense.
A state agency shall discharge from employment in a designated”

AND

Page 19, delete lines 23 through 25 and substitute the following:

“court unless the conviction was vacated or reversed:”

The Amendment was read _____
By: Representative Reep
BBC/BBC - 03-16-2005 13:13
BBC374

Chief Clerk