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

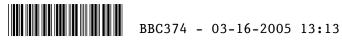
Page 5, delete lines 34 through 36 and substitute the following: "or of any similar offense by a federal court unless the conviction was vacated or reversed:"

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)(l) 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 \S 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 $\S 5-14-124$ 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 $\S 5-27-201$; 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