1	INTERIM STUDY PROPOSAL 2013-115
2	State of Arkansas As Engrossed: \$3/27/13
3	89th General Assembly A B1II
4	Regular Session, 2013 SENATE BILL 1053
5	
6	By: Senator Elliott
7	By: Representatives Murdock, Love, H. Wilkins, Hodges
8	Filed with: Interim Senate Committee on State Agencies and Governmental Affairs
9	pursuant to A.C.A. §10-3-217.
10	For An Act To Be Entitled
11	AN ACT TO PROHIBIT CERTAIN INQUIRIES INTO A PERSON'S
12	BACKGROUND ON AN APPLICATION FOR PUBLIC EMPLOYMENT;
13	AND FOR OTHER PURPOSES.
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16	Subtitle
17	TO PROHIBIT CERTAIN INQUIRIES INTO A
18	PERSON'S BACKGROUND ON AN APPLICATION FOR
19	PUBLIC EMPLOYMENT.
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22	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24	SECTION 1. Arkansas Code Title 21, Chapter 1, Subchapter 1, is amended
25	to add a new section to read as follows:
26	21-1-106. Prohibited inquiries into a person's background on a public
27	employment application.
28	(a) As used in this section, "public employer" means any governmental
29	entity or any private entity that contracts with the state or receives state
30	<u>funds.</u>
31	(b)(1) A public employer shall not inquire into or consider the
32	criminal record or criminal history of an applicant for public employment
33	prior to the applicant's completion of the interview by the public employer.
34	(2) A public employee shall not include in the application
35	process any inquiry, neither written nor verbal, about an applicant's
36	criminal record or criminal history.

Ţ	(3) If a state agency or public employer incurs costs to
2	interview an applicant who lives out of state, the state agency may conduct a
3	criminal background check prior to the interview.
4	(c) This section does not apply to the Department of Correction, the
5	Department of Community Correction, the Department of Arkansas State Police,
6	or to public employers that have a statutory duty to conduct a criminal
7	history background check or otherwise take into consideration a potential
8	employee's criminal history during the hiring process.
9	(d) This section does not prohibit a public employer from notifying
10	applicants that the law or the public employer's policy will disqualify an
11	individual with a particular criminal history background from employment in a
12	particular position.
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14	SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended
15	to add a new section to read as follows:
16	25-1-121. Reporting of public employment consideration for ex-
17	offenders.
18	(a) No fewer than forty-five (45) days after the close of the fiscal
19	year, each public employer shall report to the Office of Personnel Management
20	the number of ex-offenders who were hired and the number of ex-offender
21	finalists who were interviewed but not hired.
22	(b) The Office of Personnel Management shall notify agencies of the
23	form in which it wants the reports and shall submit a composite report to the
24	Joint Legislative Council and Joint Committee on State Agencies by October 15
25	of each year.
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27	/s/Elliott
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30	Referred by the Arkansas Senate
31	Prepared by: BPG/VJF
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