

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Jordan**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO ALERT HOUSING AUTHORITIES AND MANAGEMENT
9 COMPANIES OF FEDERALLY REGULATED APARTMENT COMPLEXES OF
10 PRIOR CRIMINAL ARREST RECORDS OF APPLICANTS; AND FOR OTHER
11 PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. It shall be unlawful for any person to make a material
16 misstatement relating to the existence or nonexistence of any prior criminal
17 arrests when applying to rent or lease an apartment or house from or through a
18 housing authority or management company of a federally regulated apartment
19 housing complex.

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21 SECTION 2. The term management company shall be deemed to include a
22 private organization, sole proprietorship, partnership or corporation, the
23 purpose of which is to manage the operation of an apartment housing complex.

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25 SECTION 3. (a) Upon presenting that part of an application pertaining
26 to the existence or nonexistence of prior criminal records from any person or
27 persons applying to rent or lease an apartment from or through such housing
28 authority or management company, to any city, county or state law enforcement
29 agency, the law enforcement agency shall ascertain the truthfulness of that
30 portion of such application pertaining to prior felony and misdemeanor
31 criminal records of applicant or applicants, including but not limited to a
32 search of local computerized and written files, as well as state and national
33 computerized files whenever available, and shall make the results of only the
34 truthfulness of the application known to the housing authority or management
35 company. Such information may be used to approve or deny the application.

1 (b) In responding to such request, the law enforcement shall not make
2 any part of a criminal record available to the housing authority or management
3 of a federally regulated housing complex, other than a statement as to the
4 accuracy of that part of the application relating to a person's prior criminal
5 record, which information may be used to approve or deny the application of
6 the person or persons.

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8 SECTION 4. (a) Any person who shall willfully make a material
9 misstatement on an application to a housing authority or management company of
10 a federally regulated apartment housing complex, relating to the existence or
11 nonexistence of prior criminal arrests shall be deemed guilty of a Class B
12 misdemeanor.

13 (b) The penalty provided in this section shall be stated on the
14 application.

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16 SECTION 5. All provisions of this act of a general and permanent
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
18 Code Revision Commission shall incorporate the same in the Code.

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20 SECTION 6. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 7. All laws and parts of laws in conflict with this act are
27 hereby repealed.

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