

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2714

4
5 By: Representative Thompson
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For An Act To Be Entitled

9 AN ACT TO INCLUDE REGISTERED SEX OFFENDER STATUS
10 AS A POSSIBLE DISQUALIFYING PROVISION FOR
11 LICENSING OR EMPLOYMENT WITH AGENCIES OR BOARDS
12 THAT ARE MANDATED TO PERFORM CRIMINAL BACKGROUND
13 CHECKS; AND FOR OTHER PURPOSES.
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Subtitle

15 AN ACT TO INCLUDE REGISTERED SEX
16 OFFENDER AS A POSSIBLE DISQUALIFYING
17 PROVISION FOR MANDATED CRIMINAL
18 BACKGROUND CHECK PURPOSES.
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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 12, Chapter 12, Subchapter 15 is
25 amended to add an additional section to read as follows:

26 12-12-1513. Status as a registered sex offender.

27 (a) The General Assembly finds that:

28 (1) The fact that a person is a registered sex offender or is
29 required to register as a sex offender is releasable to employers and
30 licensing boards;

31 (2) Certain state agencies are mandated to perform background
32 checks on persons who work with children, elderly persons, and
33 developmentally disabled persons;

34 (3) The offenses for which a state agency may exclude a person
35 from employment are outlined in Arkansas law but being a registered sex
36 offender or being required to register as a sex offender is not listed as a



1 disqualification; and

2 (4) It is the intent of this section that being a registered sex
3 offender or being required to register as a sex offender may exclude those
4 persons from employment or licensure with agencies and boards that are
5 mandated by Arkansas law to perform the criminal history background checks.

6 (b) Whenever a noncriminal justice criminal history background check
7 is performed on a person under the provisions of any criminal background
8 check requirement contained in the Arkansas Code for employment, licensure,
9 or any other purpose, the person may be disqualified for employment,
10 licensure, or any other purpose for which the background check was conducted
11 if it is determined that the person is a registered sex offender or is
12 required to register as a sex offender.

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14 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that exclusion of persons who are
16 registered sex offenders or are required to register as a sex offender from
17 certain employment or licensure is necessary for the protection of children,
18 elderly, and developmentally disabled persons of the State of Arkansas; that
19 this act will allow the disqualification of registered sex offenders or
20 persons required to register as a sex offender from certain employment or
21 licensure; and that this act is immediately necessary in order to allow state
22 agencies and other entities to disqualify a registered sex offender or person
23 required to register as a sex offender from licensing or employment.
24 Therefore, an emergency is declared to exist and this act being immediately
25 necessary for the preservation of the public peace, health, and safety shall
26 become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,
29 the expiration of the period of time during which the Governor may veto the
30 bill; or

31 (3) If the bill is vetoed by the Governor and the veto is
32 overridden, the date the last house overrides the veto.

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