

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
4

As Engrossed: H3/25/05

A Bill

HOUSE BILL 2714

5 By: Representative Thompson
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7

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.
14

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 agencies are mandated to perform background checks
32 on persons who work with children, elderly persons, and developmentally
33 disabled persons;

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



1 disqualification; and

2 (4) It is a primary government interest to protect the public
3 against sex offenders. A registered sex offender poses a higher risk of
4 reoffending, therefore, release of certain information will assist in
5 protecting the safety of the public. Protection of the safety of the public
6 will be increased by allowing agencies to immediately take the actions or
7 precautions they deem necessary before employing or licensing the registrant
8 or after employment or licensing of the registrant including, but, not
9 limited to, termination of employment or revocation of license. The
10 provisions of this section are civil in nature and for the protection of the
11 public. It is the intent of this section that being a registered sex
12 offender as a result of a court order or being required to register as a sex
13 offender as a result of a court order may exclude those persons from
14 employment or licensure with agencies and boards that are mandated by
15 Arkansas law to perform the criminal history background checks.

16 (b) Whenever a noncriminal justice criminal history background check
17 is performed on a person under the provisions of any criminal background
18 check requirement contained in the Arkansas Code for employment, licensure,
19 or any other purpose, the person may be disqualified for employment,
20 licensure, or any other purpose for which the background check was conducted
21 if it is determined that a court has entered an order requiring the person to
22 register as a sex offender.

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24 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that exclusion of persons who are
26 registered sex offenders or are required to register as a sex offender from
27 certain employment or licensure is necessary for the protection of children,
28 elderly, and developmentally disabled persons of the State of Arkansas; that
29 this act will allow the disqualification of registered sex offenders or
30 persons required to register as a sex offender from certain employment or
31 licensure; and that this act is immediately necessary in order to allow state
32 agencies and other entities to disqualify a registered sex offender or person
33 required to register as a sex offender from licensing or employment.
34 Therefore, an emergency is declared to exist and this act being immediately
35 necessary for the preservation of the public peace, health, and safety shall
36 become effective on:

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

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

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

/s/ Thompson