

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 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: S4/6/09*  
**A Bill**

SENATE BILL 377

5 By: Senator Elliott  
6 By: Representative Harrelson  
7

8  
9 **For An Act To Be Entitled**

10 AN ACT TO PROVIDE A STREAMLINED METHOD TO RESTORE  
11 A CITIZEN'S RIGHTS AFTER COMPLETING A CRIMINAL  
12 SENTENCE; TO PROVIDE INFORMATION AND ASSISTANCE  
13 IN SEALING A CITIZEN'S CRIMINAL RECORD; TO  
14 PROVIDE FOR PROTOCOLS DESIGNED TO HELP A CITIZEN  
15 ACQUIRE PROFESSIONAL OR OCCUPATIONAL LICENSES; TO  
16 PROVIDE FOR STANDARDS OF FAIRNESS IN EMPLOYMENT  
17 WITH STATE AGENCIES; TO PROVIDE INCENTIVES TO  
18 PRIVATE BUSINESSES WHO PARTICIPATE IN A CITIZEN'S  
19 RESTORATION PROCESS; TO ASSURE ACCESS TO STATE  
20 FUNDING FOR EDUCATION AND JOB TRAINING; TO ASSESS  
21 EFFICACY OF A CITIZEN'S RESTORATION OF RIGHTS LAW  
22 IN ORDER TO CONSIDER MAINTAINING OR CHANGING THE  
23 PROCEDURES; AND FOR OTHER PURPOSES.  
24

25 **Subtitle**

26 AN ACT TO BE KNOWN AS THE "ARKANSAS  
27 HUMAN CAPITAL RESTORATION ACT".  
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29  
30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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32 SECTION 1. NOT TO CODIFIED.

33 This act shall be known as the "Arkansas Human Capital Restoration Act"  
34 and the act's general purpose shall be to provide avenues to citizens of the  
35 State of Arkansas who have a criminal record to cleanse that record upon the  
36 completion of his or her sentence and to ease his or her transition back into



1 society through a variety of educational and job training measures, as well  
2 as lowering the restrictive barriers in both the public and private sectors  
3 that have historically kept a citizen with a criminal record from procuring  
4 and keeping gainful employment.

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6 *SECTION 2. NOT TO BE CODIFIED.*

7 (a)(1) The House Committee on Judiciary and Senate Committee on  
8 Judiciary shall study the issue of providing a streamlined method of  
9 restoring a citizen's rights after completing a criminal sentence.

10 (2) The House Committee on Judiciary and the Senate Committee on  
11 Judiciary should invite the House Committee on Public Health, Welfare and  
12 Labor, the Senate committee on Public Health, Welfare and Labor, the House of  
13 Representatives Committee on Education, and the Senate Committee on Education  
14 to participate in the study.

15 (b) The House Committee on Judiciary and the Senate Committee on  
16 Judiciary shall include in their study:

17 (1) Methods for ensuring that criminal arrest records are not a  
18 bar to state funding for higher education job training opportunities;

19 (2) Methods for ensuring that institutions of higher education  
20 are prohibited from excluding students with criminal records from admittance  
21 in the institution of higher education based solely on having a criminal  
22 record;

23 (3) Determining whether institutions of higher education  
24 admission policies unfairly discriminate against students with criminal  
25 records;

26 (4) Methods for encouraging state correctional facilities to  
27 provide educational and training programs tied to high growth labor market  
28 needs;

29 (5) The feasibility of limiting the practice of employers and  
30 other non-law enforcement agencies from inquiring about or using information  
31 about a prospective employee's arrest which did not lead to a conviction and  
32 report on "best practices" based on research;

33 (6) The option of providing state tax credits for employers  
34 hiring low-income individuals with a state criminal record;

35 (7) The cost analysis and benefits of providing six (6) months  
36 of free bonding for employers who hire persons with criminal records;

1                   (8) A report from the Office of Personnel Management for the  
2 previous five (5) years including:

3                   (A) State employment policies of hiring persons with  
4 criminal records;

5                   (B) Number of persons with criminal records that have  
6 applied for a state position;

7                   (C) Number of persons with criminal records that have:

8                                   (i) Been offered a position with a state agency; and

9                                   (ii) Not been offered a position with a state  
10 agency; and

11                   (D) Types of jobs person with criminal records have  
12 applied for and are working in;

13                   (9) Who may lawfully obtain the criminal records of a person and  
14 under what circumstances;

15                   (10) The penalty for violating state law on the dissemination of  
16 information of a person's criminal records and for dissemination of erroneous  
17 information and information not resulting in a conviction in Arkansas and  
18 other states;

19                   (11) The number of arrests that did not lead to a conviction or  
20 a conviction that was sealed, expunged, erased, or purged for the previous  
21 five (5) years;

22                   (12) The number of criminal records sealed, expunged, erased, or  
23 purged for the previous five (5) years;

24                   (13) The number of persons denied an occupational license in the  
25 last five (5) years and the reason for the denial; and

26                   (14) The rationale of the five-year waiting period to be  
27 eligible to receive an occupational license and how it compares to other  
28 states.

29                   (c)(1) The House Committee on Judiciary and the Senate Committee on  
30 Judiciary may submit recommendations and proposed legislation to the Arkansas  
31 Legislative Council, the Speaker of the House of Representatives, and the  
32 President Pro Tempore of the Senate for the Eighty-Eighth General Assembly.

33                   (2) The House Committee on Judiciary and the Senate Committee on  
34 Judiciary shall conclude their study by December 1, 2010.

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36                                   /s/ Elliott