1	State of Arkansas As Engrossed: S3/23/11 88th General Assembly As Engrossed: S3/23/11	
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3	Regular Session, 2011SENATE BILL 84	42
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5	By: Senator Elliott	
6	By: Representative Murdock	
7	For An Act To Be Entitled	
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9	AN ACT TO PROHIBIT CERTAIN INQUIRIES INTO A PERSON'S	
10	BACKGROUND ON AN APPLICATION FOR PUBLIC EMPLOYMENT;	
11	AND FOR OTHER PURPOSES.	
12 13		
13	Subtitle	
15	TO PROHIBIT CERTAIN INQUIRIES INTO A	
16	PERSON'S BACKGROUND ON AN APPLICATION FOR	
17	PUBLIC EMPLOYMENT.	
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20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
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22	SECTION 1. Arkansas Code Title 21, Chapter 1, Subchapter 1 is an	mended
23	to add a new section to read as follows:	
24	21-1-106. Prohibited inquiries into a person's background on a	<u>public</u>
25	employment application.	
26	(a) As used in this section, "public employer" means any governme	mental
27	entity or any private entity that contracts with the state or receives	state
28	funds.	
29	(b) A public employer shall not inquire into or consider the cr	<u>iminal</u>
30	record or criminal history of an applicant for public employment before	<u>e</u>
31	applicant's selection for an interview by the public employer.	
32	(c) This section does not apply to the Department of Correction	, the
33	Department of Community Correction, the Department of Arkansas State Po	<u>olice,</u>
34	or to public employers that have a statutory duty to conduct a crimina	<u>1</u>
35	history background check or otherwise take into consideration a potent	<u>ial</u>
36	employee's criminal history during the hiring process.	



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1	(d) This section does not prohibit a public employer from notifying
2	applicants that the law or the public employer's policy will disqualify an
3	individual with a particular criminal history background from employment in a
4	particular position.
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6	SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1 is amended
7	to read as follows:
8	25-1-118. Reporting of public employment consideration for ex-
9	offenders.
10	(a) No fewer than forty-five (45) days after the close of the fiscal
11	year, each public employer shall report to the Office of Personnel
12	Management:
13	(1) The number of applicants for employment who are ex-
14	offenders; and
15	(2) The number of ex-offenders who were hired and the number
16	interviewed but not hired.
17	(b) The Office of Personnel Management shall notify agencies of the
18	form in which it wants the reports and shall submit a composite report to the
19	Joint Legislative Council by October 15 of each year.
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21	/s/Elliott
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