

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S3/23/11 S3/28/11

## A Bill

SENATE BILL 842

5 By: Senator Elliott  
6 By: Representative Murdock  
7

### For An Act To Be Entitled

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

### 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 amended  
23 to add a new section to read as follows:

24 21-1-106. Prohibited inquiries into a person's background on a public  
25 employment application.

26 (a) As used in this section, "public employer" means any governmental  
27 entity or any private entity that contracts with the state or receives state  
28 funds.

29 (b)(1) A public employer shall not inquire into or consider the  
30 criminal record or criminal history of an applicant for public employment  
31 applicant's selection for an interview by the public employer.

32 (2) If a state agency incurs costs to interview an applicant who  
33 lives out of state, the state agency may conduct a criminal background check  
34 before the interview.

35 (c) This section does not apply to the Department of Correction, the  
36 Department of Community Correction, the Department of Arkansas State Police,



1 or to public employers that have a statutory duty to conduct a criminal  
2 history background check or otherwise take into consideration a potential  
3 employee's criminal history during the hiring process.

4 (d) This section does not prohibit a public employer from notifying  
5 applicants that the law or the public employer's policy will disqualify an  
6 individual with a particular criminal history background from employment in a  
7 particular position.

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9 *SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1 is amended*  
10 *to read as follows:*

11 25-1-118. Reporting of public employment consideration for ex-  
12 offenders.

13 (a) No fewer than forty-five (45) days after the close of the fiscal  
14 year, each public employer shall report to the Office of Personnel Management  
15 the number of ex-offenders who were hired and the number of ex-offender  
16 finalists who were 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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