

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/27/13
A Bill

SENATE BILL 1053

5 By: Senator Elliott
6 By: Representatives Murdock, Love, H. Wilkins, *Hodges*
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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 prior to the applicant's completion of the interview by the public employer.

32 (2) A public employee shall not include in the application
33 process any inquiry, neither written nor verbal, about an applicant's
34 criminal record or criminal history.

35 (3) If a state agency or public employer incurs costs to
36 interview an applicant who lives out of state, the state agency may conduct a



1 criminal background check prior to the interview.

2 (c) This section does not apply to the Department of Correction, the
3 Department of Community Correction, the Department of Arkansas State Police,
4 or to public employers that have a statutory duty to conduct a criminal
5 history background check or otherwise take into consideration a potential
6 employee's criminal history during the hiring process.

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

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12 SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended
13 to add a new section to read as follows:

14 25-1-121. Reporting of public employment consideration for ex-
15 offenders.

16 (a) No fewer than forty-five (45) days after the close of the fiscal
17 year, each public employer shall report to the Office of Personnel Management
18 the number of ex-offenders who were hired and the number of ex-offender
19 finalists who were interviewed but not hired.

20 (b) The Office of Personnel Management shall notify agencies of the
21 form in which it wants the reports and shall submit a composite report to the
22 Joint Legislative Council and Joint Committee on State Agencies by October 15
23 of each year.

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25 */s/Elliott*
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