

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1618

5 By: Representative Copeland
6

For An Act To Be Entitled

8 AN ACT TO LIMIT THE USE OF CRIMINAL RECORDS CHECKS
9 INFORMATION; TO INCREASE OPPORTUNITIES FOR EMPLOYMENT
10 FOR PERSONS WITH CRIMINAL RECORDS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO LIMIT THE USE OF CRIMINAL RECORDS
15 CHECKS INFORMATION; AND TO INCREASE
16 OPPORTUNITIES FOR EMPLOYMENT FOR PERSONS
17 WITH CRIMINAL RECORDS.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 2, is amended
24 to add an additional section to read as follows:

25 11-3-206. Criminal background checks.

26 (a) An employer shall not inquire into or consider the criminal record
27 of an applicant for employment until the employer has extended a conditional
28 offer of employment to the applicant.

29 (b) If an employer offers an applicant a position of employment, the
30 employer may inquire into and consider an applicant's criminal record if:

31 (1)(A) The applicant has been convicted of a felony; and

32 (B) No more than ten (10) years have passed since the
33 applicant was released from custody or completed a term of supervised
34 release, whichever occurred later; or

35 (2)(A) The applicant has been convicted of a misdemeanor; and

36 (B) No more than five (5) years have passed since the



1 applicant was released from custody or completed a term of supervised
 2 release, whichever occurred later.

3 (c) An employer shall not withdraw an offer of employment based on an
 4 offense that bears no rational relationship to the duties and
 5 responsibilities of the position.

6 (d) Before deciding whether to withdraw an offer of employment based
 7 on an applicant's criminal record, the employer shall consider the following:

8 (1) The nature of the applicant's offense;

9 (2) Information pertaining to the degree of rehabilitation and
 10 good conduct of the applicant, including information produced by the
 11 applicant or produced on his or her behalf;

12 (3) Whether the prospective job provides an opportunity for the
 13 commission of a similar offense;

14 (4) Whether the circumstances leading to the offense are likely
 15 to reoccur; and

16 (5) The length of time that has elapsed since the offense.

17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36