

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

As Engrossed: H3/10/15

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 (e) This section does not apply to a criminal background check
18 requirement imposed by law.

19 /s/Copeland

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