

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

HOUSE BILL 2033

4
5 By: Representative Shepherd
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For An Act To Be Entitled

8 AN ACT TO AMEND THE POWERS AND DUTIES OF THE DIRECTOR
9 OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO
10 REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION
11 TO ESTABLISH A CRIMINAL BACKGROUND CHECK POLICY FOR
12 CERTAIN PERSONS APPLYING FOR OR OCCUPYING A POSITION
13 HAVING ACCESS TO FEDERAL TAX INFORMATION; AND FOR
14 OTHER PURPOSES.
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Subtitle

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18 TO REQUIRE THE DEPARTMENT OF FINANCE AND
19 ADMINISTRATION TO ESTABLISH A CRIMINAL
20 BACKGROUND CHECK POLICY FOR CERTAIN
21 PERSONS APPLYING FOR OR OCCUPYING A
22 POSITION HAVING ACCESS TO FEDERAL TAX
23 INFORMATION.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 26-17-403, concerning the powers and duties
29 of the Director of the Department of Finance and Administration, is amended
30 to add an additional subdivision to read as follows:

31 (5)(A) As used in this subdivision (5), "affected person" means
32 a person who may be authorized by the director to access or view federal tax
33 information as a requirement of the person's job duties and who is also:

34 (i) A current employee of the Department of Finance
35 and Administration;

36 (ii) An applicant for employment with the Department



1 of Finance and Administration;

2 (iii) A current employee of a contractor of the
3 Department of Finance and Administration; or

4 (iv) An applicant for employment with a contractor
5 of the Department of Finance and Administration.

6 (B) The director shall establish a criminal background
7 investigation policy for all affected persons that shall include at least the
8 following provisions:

9 (i) An affected person shall authorize the director
10 or his or her designee to obtain a state and national criminal background
11 check at the expense of the Department of Finance and Administration;

12 (ii) A criminal background check shall be conducted
13 by the Identification Bureau of the Department of Arkansas State Police and
14 the Federal Bureau of Investigation and shall include the taking of
15 fingerprints;

16 (iii) A criminal background check shall satisfy the
17 background investigation standards established by the Internal Revenue
18 Service with regard to access to federal tax information;

19 (iv) A criminal background check performed on an
20 affected person before his or her employment by the director or a contractor
21 of the Department of Finance and Administration shall be conducted before an
22 offer of employment is extended by the director or the contractor of the
23 Department of Finance and Administration;

24 (v) A criminal background check performed on an
25 affected person who is already employed by the director or a contractor of
26 the Department of Finance and Administration shall be conducted at least one
27 (1) time every ten (10) years;

28 (vi) An affected person shall authorize the release
29 of the criminal background check results to the director or his or her
30 designee, and the Identification Bureau of the Department of Arkansas State
31 Police shall forward to the director or his or her designee all information
32 obtained as a result of the criminal background check;

33 (vii) Information received from a criminal
34 background check shall be used only for the purpose of making decisions
35 regarding the employment or retention of an affected person in a position in
36 which access to federal tax information may or will be authorized;

1 (viii) Information received by the director or his
2 or her designee from the Identification Bureau of the Department of Arkansas
3 State Police under this section shall not be released to any party other than
4 the affected person or his or her authorized representative; and

5 (ix)(a) An affected person who is employed by the
6 Department of Finance and Administration or by a contractor of the Department
7 of Finance and Administration shall notify the director or his or her
8 designee of an arrest for a misdemeanor or felony offense.

9 (b) Any information received under subdivision
10 (5)(B)(ix)(a) of this section shall be used only for the purpose of the
11 director making a decision regarding retention of an affected person
12 following the arrest.

13 (c) Failure to provide notice of a subsequent
14 arrest under subdivision (5)(B)(ix)(a) of this section may be grounds for
15 immediate termination of the affected person's employment or other action as
16 the director or his or her designee deems appropriate.