

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 264

By: Senator T. Garner

## For An Act To Be Entitled

AN ACT TO CREATE THE FRESH START ACT OF 2019; TO HELP  
INDIVIDUALS WITH CRIMINAL RECORDS REENTER AND MOVE TO  
THE WORKFORCE AND STAY OUT OF PRISON; TO REMOVE THE  
PHRASES "MORAL TURPITUDE" AND "GOOD CHARACTER" FROM  
OCCUPATIONAL LICENSING LAWS; TO DECLARE AN EMERGENCY;  
AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE FRESH START ACT OF 2019;  
AND TO HELP INDIVIDUALS WITH CRIMINAL  
RECORDS REENTER AND MOVE TO THE WORKFORCE  
AND STAY OUT OF PRISON; AND TO DECLARE AN  
EMERGENCY.

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

SECTION 1. Arkansas Code Title 17 is amended to add an additional  
chapter to read as follows:

### CHAPTER 2

### FRESH START ACT OF 2019

#### 17-2-101. Title.

This chapter shall be known and may be cited as the "Fresh Start Act of  
2019".

#### 17-2-102. Purpose.

The purpose of this chapter is to help individuals with criminal



records reenter and move to the workforce and stay out of prison.

17-2-103. Definitions.

As used in this chapter:

(1) "Criminal record" means any type of felony or misdemeanor conviction;

(2) "Licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession; and

(3) "Licensure" means a license, certificate, registration, permit, or other form of authorization required by law or rule that is required for an individual to engage in a particular occupation or profession.

17-2-104. Anti-discrimination.

An individual shall not be disqualified from pursuing, practicing, or engaging in any occupation or profession for which licensure is required solely or in part because of a prior conviction of a crime, unless the crime for which the individual was convicted directly relates to the duties and responsibilities of the occupation or profession.

17-2-105. Required revision of licensing restrictions based on criminal records.

(a)(1) On or before one hundred twenty (120) days of the effective date of this chapter, a licensing entity shall revise existing rules concerning licensure to explicitly list the specific criminal convictions that could disqualify an applicant from receiving licensure for a particular occupation or profession.

(2) A licensing entity shall not, as a basis upon which licensure may be granted or in any rule that the licensing entity promulgates:

(A) Use vague or generic terms, including without limitation the phrase "moral turpitude" and "good character"; or

(B) Consider arrests without a subsequent conviction.

(3) In its rulemaking, a licensing entity shall list only

1 disqualifying criminal records that are specific and directly related to the  
2 duties and responsibilities for the occupation or profession.

3 (b)(1) A licensing entity shall use the clear and convincing standard  
4 of proof in examining the factors to determine whether an applicant with a  
5 disqualifying criminal conviction will be denied licensure.

6 (2) A licensing entity shall make a determination under  
7 subdivision (b)(1) of this section based on the following factors:

8 (A) The nature and seriousness of the offense for which  
9 the individual was convicted;

10 (B) The passage of time since the commission of the  
11 offense;

12 (C) The relationship of the offense to the ability,  
13 capacity, and fitness required to perform the duties and discharge the  
14 responsibilities of the occupation or profession; and

15 (D) Any evidence of rehabilitation or treatment undertaken  
16 by the individual that might mitigate against a direct relationship between  
17 an element of the offense for which an applicant was convicted and a  
18 responsibility inherent to the particular occupation or profession.

19 (c)(1) Notwithstanding any other law, if an individual has a valid  
20 criminal conviction for an offense that could disqualify the individual from  
21 receiving licensure, the disqualification shall not be considered for more  
22 than five (5) years from the date of the conviction if the individual:

23 (A) Was not convicted for committing a violent or sexual  
24 in nature offense; and

25 (B) Has not been convicted of any other offense during the  
26 five-year disqualification period.

27 (2)(A) The potential disqualification period may last longer if  
28 an applicant with a disqualifying criminal conviction was incarcerated for an  
29 offense that was not violent or sexual in nature at any time during the  
30 previous five (5) years.

31 (B) If the disqualification period lasts longer than the  
32 period specified under subdivision (c)(2)(A) of this section, the  
33 disqualification shall last no longer than five (5) years from the date that  
34 the individual was released from incarceration.

35 (d) Subsections (a), (b), and (c) shall apply to any new occupational  
36 licensure created after the effective date of this chapter.

17-2-106. Petition for review of licensing entity decisions.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure.

(2) The petition shall include details on the criminal record of the individual.

(3) The licensing entity shall inform the individual of his or her standing within thirty (30) days of receiving the petition from the applicant.

(4) The licensing entity may charge a fee to recoup costs associated with the petition not to exceed twenty-five dollars (\$25.00) for each petition.

(b) If a licensing entity denies an individual licensure solely or in part because of a prior conviction of an offense by the individual, the licensing entity shall notify the individual in writing of the following:

(1) The grounds and reasons for the denial or disqualification;

(2) The rights of the individual to a hearing to challenge the decision of the licensing entity;

(3) The earliest date that the individual may reapply for licensure; and

(4) The fact that evidence of rehabilitation may be considered upon reapplication.

(c) A licensing entity shall document a determination that a criminal conviction of an applicant is specifically listed as a disqualifying conviction and is directly related to the duties and responsibilities of the occupation or profession in written findings for each of the factors listed in § 17-2-105(b) by clear and convincing evidence sufficient for a reviewing court.

(d) In an administrative hearing or civil litigation, the licensing entity shall carry the burden of proof regarding whether the criminal conviction directly relates to the occupation or profession for which licensure is sought.

17-2-107. Construction.

This chapter applies to all occupations or professions except for peace

officers and other law enforcement personnel.

17-2-108. Rules.

(a) A licensing entity shall adopt necessary rules for the implementation of this chapter.

(b)(1) When adopting the initial rules to implement this chapter, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(2) A licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 2. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstracter, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 3. Arkansas Code § 17-11-304(a), concerning issuance or reapplication of a certificate of registration by the Arkansas Abstracters' Board, is amended to read as follows:

(a) If the applicant satisfactorily passes the examinations ~~and is of good moral character,~~ the applicant shall be certified as a registered abstracter, and the certificate provided for shall be issued to him or her. The privileges granted by the certificate shall continue unless revoked, as provided in this chapter, or unless the certificate is otherwise surrendered to the Arkansas Abstracters' Board.

SECTION 4. Arkansas Code § 17-11-340(a), concerning the revocation of certificates authorized by the Arkansas Abstracters' Board, is amended to read as follows:

(a) The Arkansas Abstracters' Board is authorized, after a hearing as provided in § 17-11-341, to cancel and revoke any certificate of registration issued to any person under the provisions of this chapter:

(1) For a violation of any of the provisions of this chapter;

~~(2) Upon a conviction of the holder of such a certificate of a crime involving moral turpitude; or~~

~~(3)~~(2) If the board finds the holder to be guilty of habitual carelessness or of fraudulent practices in the conduct of the business of abstracting.

SECTION 5. Arkansas Code § 17-11-341(a)(1), concerning the procedure of appeal for revocation of certificates authorized by the Arkansas Abstracters' Board, is amended to read as follows:

(a)(1) Upon a verified complaint being filed with the Arkansas Abstracters' Board or upon the board's own motion filing a complaint charging the holder of a certificate of registration with a violation of any of the provisions of this chapter, or conviction of a crime involving ~~moral turpitude, or with~~ habitual carelessness or fraudulent practices in the conduct of the business of abstracting, or charging the holder of a certificate of authority with failure to furnish the bond or bonds, or other securities, required by § 17-11-324, or with failing to have employed a registered abstracter as provided in § 17-11-301, or with a violation of any of the provisions of this chapter, the board shall immediately notify in writing by registered mail, with return receipt, the holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 6. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) "Good moral character" as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant's right of appeal.~~

~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a "certified public accountant" and may also use the abbreviation "CPA".

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public accountant.

SECTION 7. Arkansas Code § 17-12-303(e), concerning the criminal background check for initial licensure of accountants, is repealed.

~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted of a felony or crime involving moral turpitude or dishonesty in any state or federal court may not receive or hold a license as a certified public accountant or public accountant.~~

SECTION 8. Arkansas Code § 17-12-601(a)(6), concerning the grounds for revocation or suspension of licensure of accountants, is amended to read as follows:

(6) Conviction of any crime an element of which is dishonesty,  
~~or fraud, or moral turpitude~~ under the law of any state or of the United  
 States;

SECTION 9. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers  
 and duties regarding criminal background checks of the Arkansas Appraiser  
 Licensing and Certification Board, is amended to read as follows:

(i) During the five (5) years immediately preceding  
 the date of the application was convicted of, or pled guilty or nolo  
 contendere to, a crime that would call into question the applicant's fitness  
 for registration, licensure, or certification, including without limitation a  
 crime involving:

~~(a) Moral turpitude;~~

~~(b)(1)~~(a)(1) An act substantially related to  
 the qualifications, functions, or duties of an appraiser.

(2) A crime or act may be deemed  
 substantially related to the qualifications, functions, or duties of an  
 appraiser if, to a substantial degree, the crime or act evidences present or  
 potential unfitness of a person applying for or holding a real property  
 appraiser credential to perform the functions authorized by the credential;

~~(e)(b)~~ Taking, appropriating, or retaining the  
 funds or property of another;

~~(d)(c)~~ Forging, counterfeiting, or altering an  
 instrument affecting the rights or obligations of another;

~~(e)(d)~~ Evasion of a lawful debt or obligation,  
 including without limitation a tax obligation;

~~(f)(e)~~ Trafficking in narcotics or controlled  
 substances;

~~(g)(f)~~ Violation of a relation of trust or  
 confidence;

~~(h)(g)~~ Theft of personal property or funds;

~~(i)(h)~~ An act of violence or threatened  
 violence against persons or property; or

~~(j)(i)~~ A sexually related crime or act under §  
 5-14-101 et seq.;



SECTION 10. Arkansas Code § 17-14-206(a)(3) is repealed.

~~(3)(A) Conviction in any jurisdiction of any misdemeanor involving moral turpitude or of any felony.~~

~~(B) A plea of nolo contendere or no contest shall be considered a conviction for the purposes of this section.~~

SECTION 11. Arkansas Code § 17-14-405(b)(3), concerning requirements for registration under the Appraisal Management Company Registration Act, is amended to read as follows:

(3)(A) The name, address, and contact information of any person that owns ten percent (10%) or more of the appraisal management company.

(B) Any person owning more than ten percent (10%) of an appraisal management company in this state shall:

~~(i) Be of good moral character, as determined by the board; and~~

~~(ii) Submit~~ submit to a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations;

SECTION 12. Arkansas Code § 17-14-410(a)(3), concerning the disciplinary authority, enforcement, and hearings under the Appraisal Management Company Registration Act, is amended to read as follows:

(3) The person has pleaded guilty or nolo contendere to or been found guilty of:

(A) A felony listed as required under § 17-2-105(a)(1); or

(B) Within the past ten (10) years:

(i) A misdemeanor involving mortgage lending or real estate appraising; or

(ii) An offense involving breach of trust, ~~moral turpitude,~~ or fraudulent or dishonest dealing;

SECTION 13. Arkansas Code § 17-15-102(3), concerning the definition of "good moral character" related to architects, is repealed.

~~(3)(A) "Good moral character" means character that will enable a person to discharge the fiduciary duties of an architect to his or her client~~

1 ~~and to the public for the protection of health, safety, and welfare.~~  
 2 ~~(B) Evidence of inability to discharge such duties~~  
 3 ~~includes the commission of an offense justifying discipline under § 17-15-~~  
 4 ~~308,~~

5  
 6 SECTION 14. Arkansas Code § 17-15-304(b)(1), concerning examinations  
 7 to be a registered and licensed architect, is amended to read as follows:

8 (b)(1) To be qualified for admission to an examination to practice  
 9 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least  
 10 twenty-one (21) years of age ~~and of good moral character.~~

11  
 12 SECTION 15. Arkansas Code § 17-16-105(a)(8), concerning the  
 13 registration requirements for an athlete agent, is amended to read as  
 14 follows:

15 (8) whether the applicant or any person named pursuant to  
 16 paragraph (7) has been convicted of a crime that, if committed in this State,  
 17 would be a crime involving ~~moral turpitude or~~ a felony listed as required  
 18 under § 17-2-105(a)(1), and identify the crime;

19  
 20 SECTION 16. Arkansas Code § 17-17-308(6), concerning the suspension or  
 21 revocation of a license of an auctioneer, is amended to read as follows:

22 (6) Being convicted of a criminal offense involving ~~moral~~  
 23 ~~turpitude or~~ a felony listed as required under § 17-2-105(a)(1) in a court of  
 24 competent jurisdiction of this or any other jurisdiction;

25  
 26 SECTION 17. Arkansas Code § 17-19-203(3), concerning character  
 27 references for a professional bail bondsman license, is amended to read as  
 28 follows:

29 (3) ~~Such other~~ Any other proof as the board may require that he  
 30 or she is competent, trustworthy, financially responsible, and of good  
 31 personal and business reputation and has not been convicted of a felony ~~or~~  
 32 ~~any offense involving moral turpitude~~ listed as required under § 17-2-  
 33 105(a)(1).

34  
 35 SECTION 18. Arkansas Code § 17-19-210(b)(1), concerning the suspension  
 36 and penalties for a professional bail bondsman licensee, is amended to read

as follows:

(1) Violated any provision of or any obligation imposed by this chapter or any lawful rule, ~~regulation~~, or order of the board or has been convicted of a felony ~~or any offense involving moral turpitude~~ listed as required under § 17-2-105(a)(1);

SECTION 19. Arkansas Code § 17-20-302 is amended to read as follows:  
17-20-302. Qualifications of applicants.

Any person shall be qualified to receive a certificate of registration to practice as a registered barber who:

- (1) Is qualified under this chapter;
- ~~(2) Is of good moral character and temperate habits;~~
- ~~(3)~~(2) Has passed a satisfactory examination conducted by the State Board of Barber Examiners to determine his or her fitness to practice barbering;
- ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and
- ~~(5)~~(4) Has received training approved by the appropriate licensing authorities.

SECTION 20. Arkansas Code § 17-24-307(3), concerning the grounds for revocation, suspension, or refusal of license issued by the State Board of Collection Agencies, is repealed.

~~(3) Conviction of any crime involving moral turpitude;~~

SECTION 21. Arkansas Code § 17-25-305(a), concerning the qualifications for a contractors license, is amended to read as follows:

(a) The Contractors Licensing Board, in determining the qualifications of any applicant for an original license or any renewal license, shall, among other things, consider the following:

- (1) Experience;
- (2) Ability;
- ~~(3) Character;~~
- ~~(4)~~(3) The manner of performance of previous contracts;
- ~~(5)~~(4) Financial condition;
- ~~(6)~~(5) Equipment;
- ~~(7)~~(6) Any other fact tending to show ability and willingness to

1 conserve the public health and safety; and

2 ~~(8)~~(7) Default in complying with the provisions of this chapter  
3 or any other law of the state.  
4

5 SECTION 22. Arkansas Code § 17-26-201(c), concerning the membership of  
6 the Cosmetology Technical Advisory Committee, is amended to read as follows:

7 (c) The committee shall be composed of the following representatives  
8 from within the cosmetology industry who are ~~of good moral character and who~~  
9 ~~are~~ at least twenty-five (25) years of age:

10 (1) One (1) member shall be a licensed cosmetologist actively  
11 engaged in practicing the art of cosmetology for at least five (5) years at  
12 the time of appointment;

13 (2) One (1) member shall be a licensed nail technician;

14 (3) One (1) member shall be an owner of a licensed school of  
15 cosmetology or shall be a director of cosmetology at a state-supported  
16 school;

17 (4) One (1) member shall be a licensed aesthetician; and

18 (5) Three (3) members shall represent the cosmetology industry  
19 at large or a related field.  
20

21 SECTION 23. Arkansas Code § 17-27-301(2), concerning qualifications  
22 for a licensed professional counselor, is amended to read as follows:

23 (2) The applicant is highly regarded in ~~personal character and~~  
24 professional ethics;  
25

26 SECTION 24. Arkansas Code § 17-27-303(2), concerning qualifications  
27 for a licensed marriage and family therapist before January 1, 1998, is  
28 amended to read as follows:

29 (2) The applicant is highly regarded in ~~personal character and~~  
30 professional ethics;  
31

32 SECTION 25. Arkansas Code § 17-31-303(c) is repealed.

33 ~~(c) A person shall not be eligible for registration as a forester who~~  
34 ~~is not of good character and reputation.~~  
35

36 SECTION 26. Arkansas Code § 17-32-304(a)(1), concerning the

1 qualifications for qualifications a geologist-in-training certificate, is  
2 repealed.

3 ~~(1) Be of good ethical character;~~  
4

5 SECTION 27. Arkansas Code § 17-36-303(a), concerning examination for  
6 licensure as a landscape architect, is amended to read as follows:

7 (a) An applicant for licensure shall:

8 (1) Be at least twenty-one (21) years of age; and

9 ~~(2) Be of good moral character; and~~

10 ~~(3)~~(2) Pass an examination covering the matters confronting  
11 landscape architects that is prepared by:

12 (A) The Arkansas State Board of Architects, Landscape  
13 Architects, and Interior Designers; or

14 (B) Another entity as selected by the Arkansas State Board  
15 of Architects, Landscape Architects, and Interior Designers.  
16

17 SECTION 28. Arkansas Code § 17-39-202(2)(A), concerning qualifications  
18 for polygraph examiners and voice stress analysis examiners, is amended to  
19 read as follows:

20 (2)(A) Has successfully completed a criminal background check  
21 and has not been found guilty of or pleaded guilty or nolo contendere to one  
22 (1) or more of the following in any court in the State of Arkansas or a  
23 comparable offense in another state or in a military or federal court, for  
24 which a pardon has not been granted:

25 (i) Felony listed as required under § 17-2-  
26 105(a)(1);

27 (ii) Class A misdemeanor listed as required under §  
28 17-2-105(a)(1); or

29 (iii) Crime involving violence; ~~or .~~

30 ~~(iv) Crime involving moral turpitude.~~  
31

32 SECTION 29. Arkansas Code § 17-39-206(b)(2)(A), concerning intern  
33 polygraph examiner licenses, is amended to read as follows:

34 (2)(A) Has successfully completed a criminal background check  
35 and has not been found guilty of or pleaded guilty or nolo contendere to one  
36 (1) or more of the following in any court in the State of Arkansas or a

comparable offense in another state or in a military or federal court, for which a pardon has not been granted:

(i) Felony listed as required under § 17-2-105(a)(1);

(ii) Class A misdemeanor listed as required under § 17-2-105(a)(1); or

(iii) Crime involving violence, ~~or~~ .

~~(iv) Crime involving moral turpitude.~~

SECTION 30. Arkansas Code § 17-39-211(10), concerning the grounds for denial, suspension, or revocation of a licensee as a polygraph examiner, is amended to read as follows:

(10) ~~Arrest or indictment~~ Conviction of an applicant or a licensee for a felony listed as required under § 17-2-105(a)(1), Class A misdemeanor listed as required under § 17-2-105(a)(1), crime involving an act of violence, ~~crime involving moral turpitude~~, including a sealed and expunged offense, or an offense of comparable level if the offense occurred in another state.

SECTION 31. Arkansas Code § 17-39-304(5)(A), concerning applications for licensure of voice stress analysis examiners, is amended to read as follows:

(5)(A) Has successfully completed a state and national criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:

(i) Felony listed as required under § 17-2-105(a)(1);

(ii) Class A misdemeanor listed as required under § 17-2-105(a)(1); or

(iii) Crime involving violence, ~~or~~ .

~~(iv) Crime involving moral turpitude.~~

SECTION 32. Arkansas Code § 17-39-306(11), concerning the grounds for denial, suspension, or revocation of a license for voice stress analysis

examiners, is amended to read as follows:

(11) ~~Arrest or indictment~~ Conviction of an applicant for licensure as a certified voice stress analysis examiner or of a licensed certified voice stress analysis examiner for a felony listed as required under § 17-2-105(a)(1), Class A misdemeanor listed as required under § 17-2-105(a)(1), crime involving an act of violence, ~~a crime involving moral turpitude~~, or an offense of comparable level if the offense occurred in another state.

SECTION 33. Arkansas Code § 17-40-307(a)(8) and (9), concerning application and examination for a license or credential for private investigators and private security agencies, are amended to read as follows:

(8) A verified statement disclosing any record of arrests, pending criminal charges, or convictions of the applicant of a felony listed as required under § 17-2-105(a)(1), Class A misdemeanor listed as required under § 17-2-105(a)(1), or a crime involving an act of violence, ~~or any crime involving moral turpitude~~, including those that have been sealed or expunged, and

~~(9) Information that may be required by the director that would show that the applicant is honest, trustworthy, and of good character if the applicant is an individual.~~

SECTION 34. Arkansas Code § 17-40-344 is amended to read as follows:  
17-40-344. Commission – Denial, suspension, or revocation.

The Director of the Department of Arkansas State Police may deny, suspend, or revoke a commission as a commissioned school security officer or a commission as a commissioned security officer if the applicant for a commission or the commission holder is indicted or arrested for one (1) of the following offenses or a comparable offense in another state:

- (1) A felony listed as required under § 17-2-105(a)(1);
- (2) A Class A misdemeanor listed as required under § 17-2-105(a)(1);
- (3) A crime involving an act of violence;
- (4) A crime involving the use of a firearm;
- (5) A crime involving the use of alcohol or drugs while in possession of a firearm; or

1 (6) A crime that results in the person's disqualifying himself  
 2 or herself from legally possessing a firearm under state or federal law, ~~or~~  
 3 ~~(7) A crime involving moral turpitude.~~

4  
 5 SECTION 35. Arkansas Code § 17-40-350(c)(1), concerning the grounds  
 6 for disciplinary action by the Department of Arkansas State Police, is  
 7 amended to read as follows:

8 (c)(1) The director may suspend a license, credential, or commission  
 9 of a person who is found guilty of or pleaded guilty or nolo contendere to a  
 10 felony listed as required under § 17-2-105(a)(1), a Class A misdemeanor  
 11 listed as required under § 17-2-105(a)(1), or a crime involving an act of  
 12 violence, ~~or a crime involving an act of moral turpitude~~ in this state or a  
 13 comparable offense in another state or territory of the United States or in  
 14 any foreign country.

15  
 16 SECTION 36. Arkansas Code § 17-42-311(a), concerning violations of the  
 17 real estate license law, is amended to read as follows:

18 (a) The following acts, conduct, or practices are prohibited, and any  
 19 licensee found guilty shall be subject to disciplinary action as provided in  
 20 § 17-42-312:

21 (1) Obtaining a license by means of fraud, misrepresentation, or  
 22 concealment;

23 (2) Violating any of the provisions of this chapter or any rules  
 24 or regulations adopted pursuant to this chapter or any order issued under  
 25 this chapter;

26 (3) Being convicted of or pleading guilty or nolo contendere to  
 27 a felony listed as required under § 17-2-105(a)(1) or crime involving ~~moral~~  
 28 ~~turpitude~~, fraud, dishonesty, untruthfulness, or untrustworthiness regardless  
 29 of whether the imposition of sentence has been deferred or suspended;

30 (4) Making any substantial misrepresentation;

31 (5) Making, printing, publishing, distributing, or causing,  
 32 authorizing, or knowingly permitting the making, printing, publication, or  
 33 distribution of false statements, descriptions, or promises of such character  
 34 as to reasonably induce, persuade, or influence any person to act thereon;

35 (6) Failing within a reasonable time to account for or to remit  
 36 any moneys coming into his or her possession which belong to others;



(7) Committing any act involving ~~moral turpitude~~, fraud, dishonesty, untruthfulness, or untrustworthiness;

(8) Acting for more than one (1) party in a transaction without the knowledge of all parties for whom he or she acts or accepting a commission or valuable consideration for the performance of any of the acts specified in this chapter from any person except the licensed principal broker under whom he or she is licensed;

(9) Acting as a broker or salesperson while not licensed with a principal broker, representing or attempting to represent a broker other than the principal broker with whom he or she is affiliated without the express knowledge and consent of the principal broker, or representing himself or herself as a salesperson or having a contractual relationship similar to that of a salesperson with anyone other than a licensed principal broker;

(10) Advertising in a false, misleading, or deceptive manner;

(11) Being unworthy or incompetent to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public;

(12) Paying a commission or valuable consideration to any person for acts or services performed in violation of this chapter, including paying a commission or other valuable consideration to an unlicensed person for participation in a real estate auction; and

(13) Any other conduct, whether of the same or a different character from that specified in this section, which constitutes improper, fraudulent, or dishonest dealing.

SECTION 37. Arkansas Code § 17-42-315(f), concerning the criminal background check for real estate licensees, is amended to read as follows:

(f) Except as provided in subsection (g) of this section, a person shall not receive or hold a license issued by the commission if the person has been convicted of or pleaded guilty or nolo contendere to a felony listed as required under § 17-2-105(a)(1) or a crime involving ~~moral turpitude~~, fraud, dishonesty, untruthfulness, or untrustworthiness.

SECTION 38. Arkansas Code § 17-42-515(3), concerning the violations for a real estate educator license or licensee, is amended to read as follows:

(3) Committing an act, felony listed as required under § 17-2-105(a)(1), or crime involving ~~moral turpitude~~, fraud, dishonesty, untruthfulness, or untrustworthiness regardless of whether the imposition of the sentence has been deferred or suspended;

SECTION 39. Arkansas Code § 17-43-303(a), concerning the application for examination for a sanitarian certificate of registration, is amended to read as follows:

(a) The Arkansas State Board of Sanitarians shall admit to examination any person who makes application to the Secretary of the Arkansas State Board of Sanitarians on forms prescribed and furnished by the board, pays an application fee of twenty dollars (\$20.00) to defray the expense of examination, ~~and submits evidence satisfactory to the board that he or she is of good moral character.~~

SECTION 40. Arkansas Code § 17-43-307 is amended to read as follows:  
17-43-307. Reciprocity.

The Arkansas State Board of Sanitarians shall issue a certificate of registration without examination to any person who makes application on forms prescribed and furnished by the board, pays a registration fee of ten dollars (\$10.00), and submits satisfactory proof that he or she:

~~(1) Is of good moral character;~~

~~(2)(1)~~ Has had at least two (2) years' experience in the field of environmental sanitation; and

~~(3)(2)~~ Is registered as a sanitarian in a state in which the qualifications for registration are not lower than the qualifications for registration in this state at the time he or she applies for registration.

SECTION 41. Arkansas Code § 17-43-309(a), concerning the grounds for suspension, revocation, or refusal to renew a sanitarian certificate of registration, is amended to read as follows:

(a) The Arkansas State Board of Sanitarians may suspend, revoke, or refuse to renew a certificate of registration upon proof that the applicant:

~~(1) Is not of good character; or~~

~~(2) Is~~ is guilty of fraud, deceit, gross negligence, incompetency, or misconduct in relation to his or her duties as a sanitarian.

SECTION 42. Arkansas Code § 17-47-302(a), concerning the eligibility and application for registration as a professional soil classifier or soil classifier-in-training, is amended to read as follows:

(a) To be eligible for registration as a professional soil classifier or certification as a soil classifier-in-training, an applicant ~~must~~

~~(1) Be of good character and reputation; and~~

~~(2) Submit~~ shall submit a written application to the Arkansas State Board of Registration for Professional Soil Classifiers containing ~~such~~ information as the board may require, together with five (5) references, three (3) of which shall be professional soil classifiers having personal knowledge of his or her soil classifying experience or, in the case of an application for certification as a soil classifier-in-training, three (3) character references.

SECTION 43. Arkansas Code § 17-47-311 is amended to read as follows:

17-47-311. Disciplinary actions – Grounds.

The Arkansas State Board of Registration for Professional Soil Classifiers shall have the power to suspend, refuse to renew, or revoke the certificate of registration of, or reprimand, any registrant who is guilty of:

(1) Fraud or deceit in obtaining a certificate of registration;

(2) Gross negligence, incompetence, or misconduct in the practice of soil classifying; or

~~(3) A felony or crime involving moral turpitude; or~~

~~(4)~~ (3) A violation of the code of ethics adopted and promulgated by the board.

SECTION 44. Arkansas Code § 17-48-203(a), concerning the qualifications for registration as a surveyor, is amended to read as follows:

(a) A person who shows to the satisfaction of the State Board of Licensure for Professional Engineers and Professional Surveyors that he or she is a person ~~of good character and reputation and~~ over twenty-one (21) years of age shall be eligible for licensure as a professional surveyor if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure to engage in the

1 practice of land surveying issued to him or her on the basis of a written  
2 examination by proper authority of a state, territory, possession of the  
3 United States, the District of Columbia, or any foreign country, based on  
4 requirements and qualifications as shown on his or her application that in  
5 the opinion of the board are equal to or higher than the requirements of this  
6 chapter may be licensed at the discretion of the board;

7 (2)(A) A graduate from an approved engineering curriculum with  
8 sufficient surveying courses or a surveying technology curriculum of two (2)  
9 years or more approved by the board, followed by at least two (2) years of  
10 land surveying that must be surveying experience of a character satisfactory  
11 to the board, who has passed a written examination designed to show that he  
12 or she is qualified to practice land surveying in this state, may be licensed  
13 if he or she is otherwise qualified.

14 (B) Each year of teaching land surveying in an approved  
15 engineering or surveying curriculum may be considered as equivalent to one  
16 (1) year of land surveying experience; or

17 (3)(A) An applicant who cannot qualify under subdivision (a)(2)  
18 of this section and who has six (6) years or more of active experience in  
19 land surveying of a character satisfactory to the board and who has passed a  
20 written examination designed to show that he or she is qualified to practice  
21 land surveying may be granted a certificate of licensure to practice land  
22 surveying in this state if he or she is otherwise qualified.

23 (B) Each year of satisfactory work in an approved  
24 engineering or engineering technology curriculum majoring in surveying may be  
25 considered as one (1) year of experience in land surveying, but not exceeding  
26 two (2) years.

27  
28 SECTION 45. Arkansas Code § 17-48-203(c), concerning the  
29 qualifications for registration as a surveyor, is amended to read as follows:

30 (c) ~~A person who shows to the satisfaction of the board that he or she~~  
31 ~~is a person of good character~~ shall be eligible for licensure as a surveyor  
32 intern if he or she qualifies under one (1) of the following provisions:

33 (1) A person holding a certificate of licensure as a surveyor  
34 intern issued to him or her on the basis of a written examination by proper  
35 authority of a state, territory, possession of the United States, the  
36 District of Columbia, or any foreign country, based on requirements and

1 qualifications as shown on his or her application, which requirements and  
 2 qualifications, in the opinion of the board, are equal to or higher than the  
 3 requirements of this chapter, may be licensed as a surveyor intern at the  
 4 discretion of the board;

5 (2) A graduate from an approved engineering curriculum with  
 6 sufficient surveying courses, or a surveying technology curriculum of two (2)  
 7 years or more, approved by the board, who has passed a written examination  
 8 designed to show that he or she is proficient in surveying fundamentals, may  
 9 be licensed if he or she is otherwise qualified; or

10 (3)(A) An applicant who cannot qualify under subdivision (c)(2)  
 11 of this section and who has four (4) years or more of active experience in  
 12 land surveying of a character satisfactory to the board and who has passed a  
 13 written examination designed to show that he or she is proficient in  
 14 surveying fundamentals may be licensed if he or she is otherwise qualified.

15 (B) Each year of satisfactory work in an approved  
 16 engineering or engineering technology curriculum majoring in surveying may be  
 17 considered as one (1) year of experience in land surveying, but not exceeding  
 18 two (2) years.

19  
 20 SECTION 46. Arkansas Code § 17-50-301(a)(2), concerning applicant  
 21 qualifications for registration as a certified water well driller or  
 22 certified pump installer, is repealed.

23 ~~(2) Is of good moral character;~~

24  
 25 SECTION 47. Arkansas Code § 17-52-308(b)(3), concerning the complaints  
 26 and disciplinary procedures for a home inspector, is repealed.

27 ~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving~~  
 28 ~~moral turpitude or of any felony.~~

29 ~~(B) A plea of nolo contendere or no contest is considered~~  
 30 ~~a conviction for the purposes of this section;~~

31  
 32 SECTION 48. Arkansas Code § 17-52-315(a), concerning application for  
 33 registration as a home inspector, is amended to read as follows:

34 (a) Any person applying for registration or renewal of registration as  
 35 a home inspector shall ~~be of good moral character and shall~~ submit to the  
 36 Arkansas Home Inspector Registration Board:

(1) An application under oath upon a form to be prescribed by the board;

(2) A current certificate of insurance issued by an insurance company licensed or surplus lines approved to do business in this state that states that the applicant has procured general liability insurance in the minimum amount of one hundred thousand dollars (\$100,000) and, if applicable, workers' compensation insurance; and

(3) The required registration or registration renewal fee with the application.

SECTION 49. Arkansas Code § 17-81-304(a)(2), concerning application for licensure as a chiropractor, is amended to read as follows:

(2) The applicant must submit proof satisfactory to the board of graduation from a chartered school or college of chiropractic as herein described and file with his or her application the affidavits of at least two (2) licensed and reputable doctors of chiropractic ~~showing him or her to be of good moral character.~~

SECTION 50. Arkansas Code § 17-81-305(a)(6), concerning qualifications of applicants for licensure as a chiropractor, is repealed.

~~(6) Be of good moral character;~~

SECTION 51. Arkansas Code § 17-81-318(e), concerning the criminal background check required for a chiropractor, is amended to read as follows:

(e) Except as provided in subsection (f) of this section, a person shall not receive or hold a license issued by the board if the person has been convicted of or pleaded guilty or nolo contendere to any felony listed as required under § 17-2-105(a)(1) or a crime involving ~~moral turpitude~~, fraud, dishonesty, untruthfulness, or untrustworthiness, or is a registered sex offender or required to register as a sex offender.

SECTION 52. Arkansas Code § 17-82-304(b), concerning the licensing procedure for dentists, is amended to read as follows:

(b) An applicant:

(1) ~~Must~~ Shall:

(A) Be at least twenty-one (21) years of age ~~and of good~~

1 ~~moral reputation and character;~~

2 (B) Submit upon request ~~such~~ proof as required by the  
3 board ~~may require~~ touching upon age, ~~character,~~ and fitness; and

4 (C) Have been graduated from an American Dental  
5 Association-accredited college of dentistry with the degree of Doctor of  
6 Dental Surgery or Doctor of Dental Medicine; or

7 (2) ~~Must~~ Shall:

8 (A) Be at least twenty-one (21) years of age ~~and of good~~  
9 ~~moral reputation and character;~~

10 (B) Have graduated from a college of dentistry in North  
11 America with the degree of Doctor of Dental Surgery, Doctor of Dental  
12 Medicine, or an equivalent degree approved by the board;

13 (C) Have passed an examination approved by the board and  
14 authorized under § 17-82-303;

15 (D) Be a resident of the State of Arkansas and the United  
16 States and be in compliance with federal laws of immigration; and

17 (E) Serve a period of at least one (1) year under a  
18 provisional license issued by the board to foreign graduates and successfully  
19 complete the monitoring requirements as ordered by the board at the time the  
20 provisional license is issued.

21  
22 SECTION 53. Arkansas Code § 17-82-306(b), concerning the licensing  
23 procedures for dental hygienists, is amended to read as follows:

24 (b) An applicant ~~must~~ shall:

25 ~~(1) Be of good moral reputation and character;~~

26 ~~(2)~~(1) Have graduated from a dental hygiene program which is  
27 accredited by the American Dental Association Commission on Dental  
28 Accreditation and approved by the board for the training of dental  
29 hygienists; and

30 ~~(3)~~(2) Submit upon request ~~such~~ proof as required by the board  
31 ~~may require touching upon character and fitness.~~

32  
33 SECTION 54. Arkansas Code § 17-82-308(b)(3), concerning credentials  
34 for dentists and dental hygienists licensed in other states, is amended to  
35 read as follows:

36 (3) A certificate from the authority which issued the license,

1 setting forth the applicant's ~~moral reputation and character~~, history with  
 2 the board, professional ability, and such other information or data as the  
 3 board may deem necessary or expedient.

4  
 5 SECTION 55. Arkansas Code § 17-84-304(a)(3), concerning the  
 6 qualifications for licensure and internship of hearing instrument dispensers,  
 7 is amended to read as follows:

8 (3) Show to the satisfaction of the board that he or she:

9 (A) Is twenty (20) years of age or older; and

10 (B) Has an education equivalent of two (2) or more years  
 11 of accredited college-level course work from a regionally accredited college  
 12 or university; ~~and~~

13 ~~(C) Is of good moral character.~~

14  
 15 SECTION 56. Arkansas Code § 17-84-308(a)(1), concerning the  
 16 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument  
 17 dispenser license, is repealed.

18 ~~(1) Being convicted of a crime involving moral turpitude. A~~  
 19 ~~record of a conviction, certified by the judge or the clerk of the court~~  
 20 ~~where the conviction occurred, shall be sufficient evidence to warrant~~  
 21 ~~suspension, revocation, or refusal to issue or renew;~~

22  
 23 SECTION 57. Arkansas Code § 17-86-303(a)(1), concerning qualifications  
 24 for licensure as a massage therapist, is amended to read as follows:

25 (1) Furnish to the Department of Health satisfactory proof that  
 26 he or she is eighteen (18) years of age or older ~~and of good moral character;~~

27  
 28 SECTION 58. Arkansas Code § 17-86-311(a)(6), concerning the  
 29 disciplinary actions and penalties for massage therapists, is amended to read  
 30 as follows:

31 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional  
 32 conduct;

33  
 34 SECTION 59. Arkansas Code § 17-87-301(a), concerning qualifications  
 35 for an applicant for licensure as a registered nurse, is amended to read as  
 36 follows:



1           (a) Qualifications. Before taking the examination or before the  
2 issuance of a license by endorsement, an applicant for a license to practice  
3 professional nursing shall submit to the Arkansas State Board of Nursing  
4 written evidence, verified by oath, that the applicant:

5           ~~(1) Is of good moral character;~~

6           ~~(2)~~(1) Has completed an approved high school course of study or  
7 the equivalent thereof as determined by the appropriate educational agency;  
8 and

9           ~~(3)~~(2) Has completed the required approved professional nursing  
10 education program.

11  
12           SECTION 60. Arkansas Code § 17-87-304(a), concerning the  
13 qualifications of an applicant for licensure as a licensed practical nurse,  
14 is amended to read as follows:

15           (a) Qualifications. An applicant for a license to practice practical  
16 nursing shall submit to the Arkansas State Board of Nursing evidence,  
17 verified by oath, that the applicant:

18           ~~(1) Is of good moral character;~~

19           ~~(2)~~(1) Has completed an approved high school course of study or  
20 the equivalent thereof as determined by the appropriate educational agency;  
21 and

22           ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved  
23 program for the preparation of practical nurses and holds a diploma or  
24 certificate therefrom. However, the board may waive this requirement if the  
25 board determines the applicant to be otherwise qualified.

26  
27           SECTION 61. Arkansas Code § 17-87-305(a), concerning the  
28 qualifications of an applicant for licensure as a licensed psychiatric  
29 technician nurse, is amended to read as follows:

30           (a) Qualifications. An applicant for a license to practice  
31 psychiatric technician nursing shall submit to the Arkansas State Board of  
32 Nursing evidence, verified by oath, that the applicant:

33           ~~(1) Is of good moral character;~~

34           ~~(2)~~(1) Has completed an approved high school course of study or  
35 the equivalent thereof as determined by the appropriate educational agency;  
36 and

1           ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved  
 2 program for the preparation of psychiatric technician nurses and holds a  
 3 diploma or certificate therefrom. However, the board may waive this  
 4 requirement if the board determines the applicant to be otherwise qualified.

5  
 6           SECTION 62. Arkansas Code § 17-87-707(a)(1), concerning the  
 7 disciplinary actions for nurses, is amended to read as follows:

8           (1) Has been found guilty of or pleads guilty or nolo contendere  
 9 to:

10                   (A) Fraud or deceit in procuring or attempting to procure  
 11 a medication assistive person certificate; or

12                   (B) Providing services as a medication assistive person  
 13 without a valid certificate; ~~or~~

14                   ~~(C) Committing a crime of moral turpitude;~~

15  
 16           SECTION 63. Arkansas Code § 17-88-302(2), concerning qualifications of  
 17 an applicant for licensure as an occupational therapist, is repealed.

18           ~~(2) The applicant must be of good moral character;~~

19  
 20           SECTION 64. Arkansas Code § 17-89-302(a), concerning the  
 21 qualifications of an applicant for licensure as a licensed dispensing  
 22 optician, is amended to read as follows:

23           (a) Every applicant for examination as a licensed dispensing optician  
 24 shall present satisfactory evidence to the Arkansas Board of Dispensing  
 25 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~  
 26 ~~character,~~ a high school graduate or the equivalent thereof, and either:

27                   (1) Is a graduate of a school of opticianry whose curriculum  
 28 consists of at least eighteen (18) months of didactic and practical  
 29 instruction which is accredited by a national accreditation organization and  
 30 approved by the board; or

31                   (2)(A) Has been engaged in the providing of ophthalmic  
 32 dispensing services, as defined in this chapter, in the State of Arkansas for  
 33 a period of not less than five (5) years immediately before application.

34                   (B) No more than three (3) years may consist of:

35                           (i) Working in a qualified service optical  
 36 laboratory approved by the board; or

(ii) Providing ophthalmic dispensing services under the direct supervision of an Arkansas-licensed or registered dispensing optician, Arkansas-licensed optometrist, or Arkansas physician skilled in diseases of the eye.

SECTION 65. Arkansas Code § 17-89-303 is amended to read as follows:

17-89-303. Qualifications – Registered dispensing opticians.

Every applicant for examination as a registered dispensing optician shall present satisfactory evidence to the Arkansas Board of Dispensing Opticians that he or she is over twenty-one (21) years of age, ~~of good moral character,~~ a high school graduate or the equivalent thereof, and either:

(1) Has a minimum of three (3) years' dispensing experience in Arkansas under the direct supervision of an Arkansas-licensed optometrist or Arkansas-licensed physician skilled in disease of the eye;

(2) Has a minimum of three (3) years' experience under the direct supervision of a licensed or registered dispensing optician holding a certificate of licensure or registry in the State of Arkansas, one (1) year of which may be while working in a qualified full-service optical laboratory approved by the board; or

(3) Is a graduate of an approved school of opticianry which has been accredited by a national accreditation organization and is recognized by the board.

SECTION 66. Arkansas Code § 17-89-305(b), concerning reciprocity for dispensing opticians, is amended to read as follows:

(b) The certificate may be issued without a written or practical examination upon payment of the fee prescribed in § 17-89-304(f) to the Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon satisfactory proof that the applicant:

(1) Is qualified under the provisions of this chapter;

~~(2) Is of good moral character;~~

~~(3)~~ (2) Has provided ophthalmic dispensing services to the public as a dispensing optician in the state of licensure or registration for a period of at least five (5) years for licensure or three (3) years for registration immediately before his or her application for reciprocity to this state; and

1           ~~(4)~~(3) Is licensed or registered in a state which grants like  
2 reciprocal privileges to opticians who hold certificates of licensure or  
3 registry issued by this state.  
4

5           SECTION 67. Arkansas Code § 17-89-306(b), concerning an ophthalmic  
6 dispensers from nonlicensing states seeking licensure as a dispensing  
7 opticians in Arkansas, is amended to read as follows:

8           (b) The applicant ~~must~~ shall:

9           (1) Be qualified under the provisions of this chapter;

10          ~~(2) Be of good moral character;~~

11          ~~(3)~~(2) Have been engaged in ophthalmic dispensing as described  
12 in § 17-89-102(4) for a period of:

13           (A) Five (5) years for applicants for licensure, of which  
14 no more than three (3) years may be while working in a qualified full-service  
15 optical laboratory approved by the board; or

16           (B) Three (3) years for applicants for registry, of which  
17 no more than one (1) year may be while working in a qualified full-service  
18 laboratory approved by the board immediately before the date of application;

19          ~~(4)~~(3) Successfully complete the written and practical  
20 examination for licensure or registry prepared and conducted by the board;  
21 and

22          ~~(5)~~(4) Have paid the fee prescribed in § 17-89-304(f) to the  
23 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.  
24

25           SECTION 68. Arkansas Code § 17-90-301(b), concerning examinations for  
26 licensure as an optometrist, is amended to read as follows:

27           (b) Every applicant for examination shall present satisfactory  
28 evidence that he or she is:

29           (1) Over twenty-one (21) years of age;

30           (2) A successful candidate having passed all parts of the  
31 National Board of Examiners in Optometry examination since January 1, 1997;  
32 and

33          ~~(3) Of good moral character; and~~

34          ~~(4)~~(3) A graduate of a college of optometry that has been  
35 accredited by the Accreditation Council on Optometric Education of the  
36 American Optometric Association.

SECTION 69. Arkansas Code § 17-90-302(c)(3), concerning licensure by endorsement for optometrists, is amended to read as follows:

(3) A certificate of good standing from each authority which issued the license, setting forth the applicant's ~~moral reputation and character~~, history with the authority, professional ability, continuing education compliance, and other information or data as the State Board of Optometry may deem necessary or expedient;

SECTION 70. Arkansas Code § 17-91-101(a), concerning the licensing requirements for an osteopathic physician, is amended to read as follows:

(a) The Arkansas State Medical Board shall accept for licensure by examination any person who:

(1) Is at least twenty-one (21) years of age;

(2) Is a citizen of the United States;

~~(3) Is of good moral character;~~

~~(4)~~(3) Has not been guilty of acts constituting unprofessional conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose course of study has been recognized by the Department of Education of the American Osteopathic Association; and

~~(6)~~(5) Has completed a one-year internship in a hospital approved by the American Medical Association or the American Osteopathic Association.

SECTION 71. Arkansas Code § 17-92-305(a), concerning qualification of applicants for licensure as a pharmacist, is amended to read as follows:

(a) Each applicant for examination as a pharmacist shall:

(1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

~~(2) Shall be of good moral character and temperate habits; and~~

~~(3)~~(2) ~~Shall have~~ Have:

(A) Graduated and received the first professional undergraduate degree from a pharmacy degree program which has been approved by the Arkansas State Board of Pharmacy; or

(B) Graduated from a foreign college of pharmacy,

1 completed a transcript verification program, taken and passed a college of  
 2 pharmacy equivalency exam program, and completed a process of communication  
 3 ability testing as defined under board regulations so that it is assured that  
 4 the applicant meets standards necessary to protect public health and safety.

5  
 6 SECTION 72. Arkansas Code § 17-92-311(a)(3), concerning revocation,  
 7 suspension, or nonrenewal of licensure or registration grounds, is amended to  
 8 read as follows:

9 (3) The person has been found guilty or pleaded guilty or nolo  
 10 contendere in a criminal proceeding, regardless of whether or not the  
 11 adjudication of guilt or sentence is withheld by a court of this state,  
 12 another state, or the ~~federal government~~ United States for:

13 (A) Any felony listed as required under § 17-2-105(a)(1);

14 (B) Any act involving ~~moral turpitude~~, gross immorality,  
 15 or which is related to the qualifications, functions, and duties of a  
 16 licensee; or

17 (C) Any violation of the pharmacy or drug laws or rules of  
 18 this state, or of the pharmacy or drug statutes, rules, and regulations of  
 19 any other state or of the United States Government;

20  
 21 SECTION 73. Arkansas Code § 17-92-317(e), concerning criminal  
 22 background check requirements for an intern or pharmacist license or a  
 23 pharmacy technician registration, is amended to read as follows:

24 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~  
 25 person is not eligible to receive or hold an intern or pharmacist license or  
 26 pharmacy technician registration issued by the board if that person has  
 27 pleaded guilty or nolo contendere to, or has been found guilty of, any of the  
 28 following offenses, regardless of whether an adjudication of guilt or  
 29 sentencing or imposition of sentence is withheld, by any court in the State  
 30 of Arkansas or of any similar offense by a court in another state or of any  
 31 similar offense by a federal court:

32 (1) Any felony listed as required under § 17-2-105(a)(1);

33 (2) Any act involving ~~moral turpitude~~, gross immorality,  
 34 dishonesty, or which is related to the qualifications, functions, and duties  
 35 of a person holding the license or registration; or

36 (3) Any violation of Arkansas pharmacy or drug law or

1 regulations, including, but not limited to, this chapter, the Uniform  
2 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and  
3 Cosmetic Act, § 20-56-201 et seq.

4  
5 SECTION 74. Arkansas Code § 17-93-303(b), concerning qualification of  
6 applicants for licensure as a physical therapist, is amended to read as  
7 follows:

8 (b) Each physical therapist applicant shall:

9 (1) Be at least twenty-one (21) years of age;

10 ~~(2) Be of good moral character;~~

11 ~~(3)~~(2) Have graduated from a school of physical therapy  
12 accredited by a national accreditation agency approved by the board;

13 ~~(4)~~(3) Have passed examinations selected and approved by the  
14 board; and

15 ~~(5)~~(4) Submit fees as determined by the board.

16  
17 SECTION 75. Arkansas Code § 17-93-304(b), concerning qualification of  
18 applicants for licensure as a physical therapist assistant, is amended to  
19 read as follows:

20 (b) Each physical therapist assistant applicant shall:

21 (1) Be at least eighteen (18) years of age;

22 ~~(2) Be of good moral character;~~

23 ~~(3)~~(2) Have graduated from a school of physical therapy  
24 accredited by a national accreditation agency approved by the Arkansas State  
25 Board of Physical Therapy;

26 ~~(4)~~(3) Have passed examinations selected and approved by the  
27 Arkansas State Board of Physical Therapy; and

28 ~~(5)~~(4) Submit fees as determined by the Arkansas State Board of  
29 Physical Therapy.

30  
31 SECTION 76. Arkansas Code § 17-93-308(a)(4), concerning the  
32 revocation, suspension, or denial of licensure for physical therapists, is  
33 repealed.

34 ~~(4) Has been convicted of a crime involving moral turpitude;~~

35  
36 SECTION 77. Arkansas Code § 17-93-412(a)(1), concerning the

1 revocation, suspension, or denial of a license for an athletic trainer, is  
2 repealed.

3 ~~(1) Been convicted of a felony or misdemeanor involving moral~~  
4 ~~turpitude, the record of conviction being conclusive evidence of conviction~~  
5 ~~if the board determines after investigation that the person has not been~~  
6 ~~sufficiently rehabilitated to warrant the public trust;~~

7  
8 SECTION 78. Arkansas Code § 17-95-104(a)(2), concerning a hospital's  
9 duty to report physician misconduct, is amended to read as follows:

10 (2) The hospital shall also report any other formal disciplinary  
11 action concerning any such physician taken by the hospital upon  
12 recommendation of the medical staff relating to professional ethics, medical  
13 incompetence, ~~moral turpitude~~, or drug or alcohol abuse.

14  
15 SECTION 79. Arkansas Code § 17-95-403(b)(2), concerning qualification  
16 of applicants for licensure as a physician, is amended to read as follows:

17 (2) ~~Is of good moral character and has~~ Has not been guilty of  
18 acts constituting unprofessional conduct as defined in § 17-95-409;

19  
20 SECTION 80. Arkansas Code § 17-95-408(d)(2), concerning annual  
21 registration for licensure as a physician, is amended to read as follows:

22 (2) If application for reinstatement is made, the board shall  
23 consider the ~~moral character and~~ professional qualifications of the applicant  
24 upon notice and hearing before ordering reinstatement. Unless such a showing  
25 shall thereupon be made to the board as would entitle the applicant to the  
26 issuance of an original license, reinstatement shall be denied.

27  
28 SECTION 81. Arkansas Code § 17-95-409(a)(2)(A), concerning the grounds  
29 for denial, suspension, or revocation of a physician license, is amended to  
30 read as follows:

31 (A)(i) Conviction of ~~any crime involving moral turpitude~~  
32 ~~or conviction of~~ a felony listed as required under § 17-2-105(a)(1).

33 (ii) The judgment of any such conviction, unless  
34 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

35  
36 SECTION 82. Arkansas Code § 17-95-903(b)(7), concerning qualifications



of an applicant for licensure as a graduate registered physician, is repealed.

~~(7) Is of good moral character; and~~

SECTION 83. Arkansas Code § 17-95-910 is amended to read as follows:  
17-95-910. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline a graduate registered physician who:

(1) Fraudulently or deceptively obtains or attempts to obtain a license;

(2) Fraudulently or deceptively uses a license;

(3) Violates any provision of this subchapter or any rules adopted by the board pertaining to this chapter;

(4) Is convicted of a felony listed as required under § 17-2-105(a)(1);

(5) Is a habitual user of intoxicants or drugs to the extent that he or she is unable to safely perform as a graduate registered physician; or

(6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a graduate registered physician; ~~or~~

~~(7) Has committed an act of moral turpitude.~~

SECTION 84. Arkansas Code § 17-96-303(a), concerning qualifications of an applicant for licensure as a podiatrist, is amended to read as follows:

(a) ~~No person shall be entitled to~~ A person shall not take any examination for such registration unless that person shall furnish the Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

(1) Is twenty-one (21) years of age or over; and

~~(2) Is of good moral character; and~~

~~(3)~~ (2) Has received a license or certificate of graduation from a legally incorporated, regularly established school of podiatric medicine recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association within the states, territories, districts, and provinces of the United States or within any foreign country.

1       SECTION 85. Arkansas Code § 17-96-308(c)(2)(C), concerning the  
2 definition of "unprofessional and dishonest conduct" regarding podiatric  
3 medicine licensure, is repealed.

4                   ~~(C) Being guilty of an offense involving moral turpitude;~~

5  
6       SECTION 86. Arkansas Code § 17-97-201(a)(5)(B), concerning the  
7 membership of the Arkansas Psychology Board, is amended to read as follows:

8                   (B) The Governor shall remove any member from the board if  
9 he or she:

- 10                               (i) Ceases to be qualified;
- 11                               (ii) Fails to attend three (3) successive board
- 12 meetings without just cause as determined by the board;
- 13                               (iii) Is found to be in violation of this chapter;
- 14                               (iv) Pleads guilty or nolo contendere to or is found
- 15 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed as
- 16 required under § 17-2-105(a)(1) by a court of competent jurisdiction; or
- 17                               (v) Pleads guilty or nolo contendere to or is found
- 18 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
- 19 board duties by a court of competent jurisdiction.

20  
21       SECTION 87. Arkansas Code § 17-97-302(b)(1), concerning qualifications  
22 of an applicant for licensure as a psychologist, is amended to read as  
23 follows:

24                   (b)(1) A candidate for a license shall furnish the board with  
25 satisfactory evidence that he or she:

- 26                               ~~(A) Is of good moral character;~~
- 27                               ~~(B)~~(A) Has received a doctoral degree in psychology from
- 28 an accredited institution recognized by the board as maintaining satisfactory
- 29 standards at the time the degree was granted or, in lieu of a degree, a
- 30 doctoral degree in a closely allied field if it is the opinion of the board
- 31 that the training required therefor is substantially similar;
- 32                               ~~(C)~~(B) Has had at least two (2) years of experience in
- 33 psychology of a type considered by the board to be qualifying in nature with
- 34 at least one (1) of those years being postdoctoral work;
- 35                               ~~(D)~~(C) Is competent in psychology, as shown by passing
- 36 examinations, written or oral, or both, as the board deems necessary;

1                   ~~(E)~~(D) Is not considered by the board to be engaged in  
2 unethical practice;

3                   ~~(F)~~(E) Has applied for a criminal background check and has  
4 not been found guilty of or pleaded guilty or nolo contendere to any of the  
5 offenses listed in § 17-97-312(f); and

6                   ~~(G)~~(F) Has not failed an examination given by the board  
7 within the preceding six (6) months.

8  
9           SECTION 88. Arkansas Code § 17-97-303(b)(1), concerning qualifications  
10 of an applicant for licensure as a psychological examiners, is amended to  
11 read as follows:

12           (b)(1) A candidate for a license shall furnish the board with  
13 satisfactory evidence that he or she:

14                   ~~(A) — Is of good moral character;~~

15                   ~~(B)~~(A) Has a master's degree in psychology or a closely  
16 related field from an accredited educational institution recognized by the  
17 board as maintaining satisfactory standards;

18                   ~~(C)~~(B) Is competent as a psychological examiner as shown  
19 by passing examinations, written or oral, or both, as the board deems  
20 necessary;

21                   ~~(D)~~(C) Is not considered by the board to be engaged in  
22 unethical practice;

23                   ~~(E)~~(D) Has applied for a criminal background check and has  
24 not been found guilty of or pleaded guilty or nolo contendere to any of the  
25 offenses listed in § 17-97-312(f); and

26                   ~~(F)~~(E) Has not failed an examination given by the board  
27 within the preceding six (6) months.

28  
29           SECTION 89. Arkansas Code § 17-97-305(d)(1)(C), concerning the  
30 qualifications for examination for a provisional licensure as a psychologist,  
31 is repealed.

32                   ~~(C) — Has good moral character;~~

33  
34           SECTION 90. Arkansas Code § 17-97-305(d)(1)(F), concerning the  
35 qualifications for a provisional license for psychologists and psychological  
36 examiners, is amended to read as follows:

(F) Has not been convicted of ~~a crime involving moral turpitude~~  
 or a felony listed as required under § 17-2-105(a)(1);

SECTION 91. Arkansas Code § 17-97-308(f)(2), concerning annual registration for licensure as a psychologist, is amended to read as follows:

(2) If application for reinstatement is made, the board shall consider the ~~moral character and~~ professional qualifications of the applicant as in the case of an original application.

SECTION 92. Arkansas Code § 17-98-302(a), concerning admission to examination for licensure as a disease intervention specialist, is amended to read as follows:

(a) The State Board of Disease Intervention Specialists shall admit to examination any person who makes application to the Secretary of the State Board of Disease Intervention Specialists on forms prescribed and furnished by the board, pays an application fee set by the board to defray the expense of examination, and submits satisfactory proof to the board that he or she:

- ~~(1) Is a person of good moral character;~~
- ~~(2)~~(1) Meets the minimum educational requirements;
- ~~(3)~~(2) Meets the minimum specialized training requirements, as determined by the board;
- ~~(4)~~(3) Has had two (2) years of field experience in human immunodeficiency virus/sexually transmitted disease intervention; and
- ~~(5)~~(4) Is actively engaged in the field of human immunodeficiency virus/sexually transmitted disease intervention at the time he or she makes application.

SECTION 93. Arkansas Code § 17-98-303 is amended to read as follows:

17-98-303. Issuance of certificate without examination.

The State Board of Disease Intervention Specialists shall issue a certificate of registration without examination to any person who makes application on forms prescribed and furnished by the board, pays a registration fee set by the board, and submits satisfactory proof that he or she:

- ~~(1) Is of good moral character;~~
- ~~(2)~~(1) Has had at least two (2) years' experience in the field

1 of human immunodeficiency virus/sexually transmitted disease intervention;  
2 and

3 ~~(3)~~(2) Is registered as a disease intervention specialist in a  
4 state in which the qualifications for registration are not lower than the  
5 qualifications for registration in this state at the time he or she applies  
6 for registration.

7  
8 SECTION 94. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to  
9 read as follows:

10 17-98-305. Application for reinstatement.

11 (a) A former registered disease intervention specialist whose  
12 certificate has expired or has been suspended or revoked may make application  
13 for reinstatement by paying a renewal fee and submitting satisfactory proof  
14 to the State Board of Disease Intervention Specialists that he or she has  
15 complied with the continuing education requirements.

16 (b) The board shall consider the ~~moral character and~~ professional  
17 qualifications of the applicant as in the case of an original application.

18  
19 17-98-306. Refusal to renew – Suspension or revocation.

20 The State Board of Disease Intervention Specialists may refuse to renew  
21 or may suspend or revoke a certificate upon proof that the applicant+

22 ~~(1) Is not of good character; or~~

23 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,  
24 incompetency, or misconduct relative to his or her duties as a disease  
25 intervention specialist.

26  
27 SECTION 95. Arkansas Code § 17-99-302(b), concerning qualifications of  
28 an applicant for licensure as a respiratory care practitioner, is amended to  
29 read as follows:

30 (b) Each applicant ~~must~~ shall:

31 (1) Be at least eighteen (18) years of age;

32 ~~(2) Be of good moral character;~~

33 ~~(3)~~(2) Have been awarded a high school diploma or its  
34 equivalent;

35 ~~(4)~~(3) Have satisfactorily completed training in a respiratory  
36 care program which has been approved by the Arkansas State Respiratory Care

1 Examining Committee, to include adequate instruction in basic medical  
2 science, clinical science, and respiratory care theory and procedures; and  
3 ~~(5)~~(4) Have passed an examination approved by the Arkansas State  
4 Medical Board and the committee, unless exempted by other provisions of this  
5 chapter.

6  
7 SECTION 96. Arkansas Code § 17-99-307(3), concerning the grounds for  
8 denial, suspension, or revocation of a respiratory care practitioner license,  
9 is repealed.

10 ~~(3) Has been convicted of any crime involving moral turpitude;~~  
11

12 SECTION 97. Arkansas Code § 17-100-302(b), concerning qualifications  
13 of an applicant for licensure as a speech-language pathologist or  
14 audiologist, is amended to read as follows:

15 (b) To be eligible for licensure by the board as a speech-language  
16 pathologist or audiologist, a person shall:

17 ~~(1) Be of good moral character;~~

18 ~~(2)~~(1) Possess at least a master's degree in the area of speech-  
19 language pathology or a master's degree in audiology obtained on or before  
20 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from  
21 an educational institution recognized by the board;

22 ~~(3)~~(2) Submit evidence of the completion of the educational,  
23 clinical experience, and employment requirements, which shall be based on  
24 appropriate national standards and prescribed by the rules adopted under this  
25 chapter; and

26 ~~(4)~~(3) Pass an examination approved by the board before the  
27 board approves a license.

28  
29 SECTION 98. Arkansas Code § 17-100-302(d), concerning qualifications  
30 of an applicant for provisional licensure as a speech-language pathologist or  
31 audiologist, is amended to read as follows:

32 (d) To be eligible for provisional licensure by the board as a speech-  
33 language pathologist or audiologist, a person shall:

34 ~~(1) Be of good moral character;~~

35 ~~(2)~~(1) Possess at least a master's degree in the area of speech-  
36 language pathology or audiology, as the case may be, from an educational

1 institution recognized by the board;

2 ~~(3)~~(2) Be in the process of completing the postgraduate  
3 professional experience requirement; and

4 ~~(4)~~(3) Pass an examination approved by the board.

5  
6 SECTION 99. Arkansas Code § 17-100-307(a)(3)(B), concerning the  
7 grounds for denial, suspension, revocation, or other disciplinary action for  
8 speech-language pathologists and audiologists, is amended to read as follows:

9 (B) A plea or verdict of guilty made to a charge of a felony ~~or~~  
10 ~~of any offense involving moral turpitude listed as required under § 17-2-~~  
11 105(a)(1) is a conviction within the meaning of this section.

12  
13 SECTION 100. Arkansas Code § 17-101-305(a)(4)(A), concerning the  
14 grounds for denial, suspension, or revocation of a veterinarian license, is  
15 amended to read as follows:

16 (4)(A) Conviction of a felony ~~or other crime involving moral~~  
17 ~~turpitude~~ listed as required under § 17-2-105(a)(1).

18  
19 SECTION 101. Arkansas Code § 17-102-304(a)(3), concerning  
20 qualifications of an applicant for provisional licensure as an acupuncturist,  
21 is amended to read as follows:

22 (3) Before any applicant shall be eligible for an examination,  
23 the applicant shall furnish satisfactory proof to the board that he or she:

24 ~~(A) Is of good moral character by filing with his or her~~  
25 ~~application the affidavits of at least two (2) reputable acupuncturists who~~  
26 ~~attest to his or her character;~~

27 ~~(B)~~(A) Has successfully completed not fewer than sixty  
28 (60) semester credit hours of college education, to include a minimum of  
29 thirty (30) semester credit hours in the field of science; and

30 ~~(C)~~(B) Has completed a program in acupuncture and related  
31 techniques and has received a certificate or diploma from an institute  
32 approved by the board as described in this section. The training received in  
33 the program shall be for a period of no fewer than four (4) academic years  
34 and shall include a minimum of eight hundred (800) hours of supervised  
35 clinical practice.

1       SECTION 102. Arkansas Code § 17-103-305(b), concerning the grounds for  
2 renewal, revocation, or suspension of a social worker license, is amended to  
3 read as follows:

4       (b) The board shall refuse to issue or shall revoke the license of a  
5 person who has been found guilty of a felony, ~~any crime involving moral~~  
6 ~~turpitude, listed as required under § 17-2-105(a)(1)~~ or criminal offense  
7 involving violence, dishonesty, fraud, deceit, breach of client trust, or  
8 abuse of the vulnerable unless the person requests and the board grants a  
9 waiver under § 17-103-307(f).

10  
11       SECTION 103. Arkansas Code § 17-103-306(a)(1)(D), concerning  
12 qualifications of an applicant for licensure as a licensed social worker, is  
13 repealed.

14                     ~~(D) Has good moral character;~~

15  
16       SECTION 104. Arkansas Code § 17-103-306(a)(1)(G), concerning  
17 qualifications for a licensed social worker license, is amended to read as  
18 follows:

19                     (G) Has not pleaded guilty or nolo contendere to or been  
20 found guilty of a felony, ~~any crime involving moral turpitude, listed as~~  
21 ~~required under § 17-2-105(a)(1)~~ or criminal offense involving violence,  
22 dishonesty, fraud, deceit, breach of client trust, or abuse of the  
23 vulnerable;

24  
25       SECTION 105. Arkansas Code § 17-103-306(b)(1)(G), concerning the  
26 qualifications for a licensed master social worker license, is amended to  
27 read as follows:

28                     (G) Has not pleaded guilty or nolo contendere to or been  
29 found guilty of a felony, ~~any crime involving moral turpitude, listed as~~  
30 ~~required under § 17-2-105(a)(1)~~ or criminal offense involving violence,  
31 dishonesty, fraud, deceit, breach of client trust, or abuse of the  
32 vulnerable;

33  
34       SECTION 106. Arkansas Code § 17-103-306(c)(1)(H), concerning the  
35 qualifications for a licensed certified social worker license, is amended to  
36 read as follows:



(H) Has not pleaded guilty or nolo contendere to or been found guilty of a felony, ~~any crime involving moral turpitude,~~ listed as required under § 17-2-105(a)(1) or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable;

SECTION 107. Arkansas Code § 17-103-307(e), concerning criminal background check requirements for social workers, is amended to read as follows:

(e) Except as provided in subdivision (k)(1) of this section, a person is not eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of a felony, ~~any crime involving moral turpitude,~~ listed as required under § 17-2-105(a)(1) or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable, including without limitation:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Negligent homicide as prohibited in § 5-10-105;
- (5) Kidnapping as prohibited in § 5-11-102;
- (6) False imprisonment in the first degree as prohibited in § 5-11-103;
- (7) Permanent detention or restraint as prohibited in § 5-11-106;
- (8) Robbery as prohibited in § 5-12-102;
- (9) Aggravated robbery as prohibited in § 5-12-103;
- (10) Battery in the first degree as prohibited in § 5-13-201;
- (11) Aggravated assault as prohibited in § 5-13-204;
- (12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;
- (13) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
- (14) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (15) Rape as prohibited in § 5-14-103;

- 1 (16) Sexual indecency with a child as prohibited in § 5-14-110;
- 2 (17) Sexual extortion, § 5-14-113;
- 3 (18) Sexual assault in the first degree, second degree, third
- 4 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
- 5 (19) Incest as prohibited in § 5-26-202;
- 6 (20) Offenses against the family as prohibited in §§ 5-26-303 –
- 7 5-26-306;
- 8 (21) Endangering the welfare of an incompetent person in the
- 9 first degree as prohibited in § 5-27-201;
- 10 (22) Endangering the welfare of a minor in the first degree as
- 11 prohibited in § 5-27-205;
- 12 (23) Permitting abuse of a minor as prohibited in § 5-27-221(a);
- 13 (24) Engaging children in sexually explicit conduct for use in
- 14 visual or print media, transportation of minors for prohibited sexual
- 15 conduct, pandering or possessing visual or print medium depicting sexually
- 16 explicit conduct involving a child, or use of a child or consent to use of a
- 17 child in a sexual performance by producing, directing, or promoting a sexual
- 18 performance by a child as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402, and
- 19 5-27-403;
- 20 (25) Computer child pornography as prohibited in § 5-27-603;
- 21 (26) Computer exploitation of a child in the first degree as
- 22 prohibited in § 5-27-605;
- 23 (27) Felony adult abuse as prohibited in § 5-28-103;
- 24 (28) Theft of property as prohibited in § 5-36-103;
- 25 (29) Theft by receiving as prohibited in § 5-36-106;
- 26 (30) Arson as prohibited in § 5-38-301;
- 27 (31) Burglary as prohibited in § 5-39-201;
- 28 (32) Felony violation of the Uniform Controlled Substances Act,
- 29 § 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419 –
- 30 5-64-442;
- 31 (33) Promotion of prostitution in the first degree as prohibited
- 32 in § 5-70-104;
- 33 (34) Stalking as prohibited in § 5-71-229; and
- 34 (35) Criminal attempt, criminal complicity, criminal
- 35 solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-
- 36 3-301, and 5-3-401, to commit any of the offenses listed in this subsection.

SECTION 108. Arkansas Code § 17-103-307(k)(1), concerning criminal background check requirements for social workers, is amended to read as follows:

(k)(1) As used in this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (e) of this section shall not be a felony, ~~any crime involving moral turpitude,~~ listed as required under § 17-2-105(a)(1) or criminal offense involving violence, dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable unless the offense is also listed in subdivision (k)(2) of this section.

SECTION 109. Arkansas Code § 17-105-102(b)(6), concerning qualifications of an applicant for licensure as a physician assistant, is repealed.

~~(6) Is of good moral character;~~

SECTION 110. Arkansas Code § 17-105-113 is amended to read as follows:  
17-105-113. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline any physician assistant who:

(1) Fraudulently or deceptively obtains or attempts to obtain a license;

(2) Fraudulently or deceptively uses a license;

(3) Violates any provision of this chapter or any regulations adopted by the board pertaining to this chapter;

(4) Is convicted of a felony listed as required under § 17-2-105(a)(1);

(5) Is a habitual user of intoxicants or drugs to such an extent that he or she is unable to safely perform as a physician assistant;

(6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a physician assistant; or

~~(7) Has committed an act of moral turpitude; or~~

~~(8)~~ (7) Represents himself or herself as a physician.

1       SECTION 111. Arkansas Code § 17-106-107(a)(2), concerning the  
2       licensing requirements for healthcare professionals who use radioactive  
3       materials or medical equipment emitting or detecting ionizing radiation on  
4       human beings for diagnostic or therapeutic purposes, is amended to read as  
5       follows:

6               (2) Submit satisfactory evidence verified by oath or affirmation  
7       that the applicant:

8                       (A) Is qualified to administer radioactive materials or  
9       operate medical equipment emitting or detecting ionizing radiation upon human  
10      beings;

11                      ~~(B) Is of good moral character;~~

12                      ~~(C)~~(B) Is at least eighteen (18) years of age at the time  
13      of application; and

14                      ~~(D)~~(C) Has been awarded a high school diploma or has  
15      passed the General Educational Development Test or the equivalent.  
16

17       SECTION 112. EMERGENCY CLAUSE. It is found and determined by the  
18      General Assembly of the State of Arkansas that there is a shortage of certain  
19      occupations or professions in certain parts of the State of Arkansas; that  
20      individuals with criminal records cannot obtain licenses in certain  
21      occupations or professions despite the shortages; that the inability of  
22      individuals with criminal records to obtain licenses is increasing recidivism  
23      in the State of Arkansas; that this act requires that the licensing entities  
24      make certain administrative rules requiring licenses that would impact  
25      individuals with criminal records; and that this act is immediately necessary  
26      to ensure that individuals have certainty that they will be able to obtain  
27      licenses before entering occupational programs or schools in the fall of this  
28      year, to decrease the shortages of certain occupations or professions, to  
29      reduce recidivism in the State of Arkansas, and to allow licensing entities  
30      to make administrative rules at the earliest possible date to ensure  
31      certainty in the requirements of licenses. Therefore, an emergency is  
32      declared to exist, and this act being immediately necessary for the  
33      preservation of the public peace, health, and safety shall become effective  
34      on:

35                      (1) The date of its approval by the Governor;

36                      (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the  
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is  
4 overridden, the date the last house overrides the veto.