

State of Arkansas *As Engrossed: S2/11/19 S2/26/19*

92nd General Assembly

Regular Session, 2019

A Bill

SENATE BILL 264

By: Senator T. Garner

By: Representative McCollum

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.



1 The purpose of this chapter is to help individuals with criminal
2 records reenter and move to the workforce and stay out of prison.

3
4 17-2-103. Definitions.

5 As used in this chapter:

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

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

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

16
17 17-2-104. Anti-discrimination.

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

23
24 17-2-105. Required revision of licensing restrictions based on
25 criminal records.

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

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

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

36 (B) Consider arrests without a subsequent conviction.

1 (3) In its rulemaking, a licensing entity shall list only
2 disqualifying criminal records that are specific and directly related to the
3 duties and responsibilities for the occupation or profession.

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

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

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

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

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

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

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

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

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

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

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

36 (d) Subsections (a), (b), and (c) shall apply to any new occupational

1 licensure created after the effective date of this chapter.

2
3 17-2-106. Petition for review of licensing entity decisions.

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

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

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

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

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

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

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

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

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

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

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

35
36 17-2-107. Construction.

1 This chapter applies to all occupations or professions except for peace
2 officers and other law enforcement personnel.

3
4 17-2-108. Rules.

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

7 (b)(1) When adopting the initial rules to implement this chapter, the
8 final rule shall be filed with the Secretary of State for adoption under §
9 25-15-204(f):

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

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

13 (2) A licensing entity shall file the proposed rule with the
14 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
15 2020, so that the Legislative Council may consider the rule for approval
16 before January 1, 2020.

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

21 (b) The application shall be in a form prepared by the board and
22 shall contain such information as may be necessary to assist the board in
23 registration ~~and to determine if the applicant is of good moral character.~~
24

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

28 (a) If the applicant satisfactorily passes the examinations ~~and is of~~
29 ~~good moral character~~, the applicant shall be certified as a registered
30 abstractor, and the certificate provided for shall be issued to him or her.
31 The privileges granted by the certificate shall continue unless revoked, as
32 provided in this chapter, or unless the certificate is otherwise surrendered
33 to the Arkansas Abstracters' Board.
34

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

1 read as follows:

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

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

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

8 ~~(3)~~(2) If the board finds the holder to be guilty of habitual
9 carelessness or of fraudulent practices in the conduct of the business of
10 abstracting.

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

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

28
29 SECTION 6. Arkansas Code § 17-12-301 is amended to read as follows:

30 17-12-301. Requirements generally – Definition.

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

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

36 (2) Who has passed an examination in accounting and auditing and

1 such related subjects as the board shall determine to be appropriate.

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

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

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

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

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

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

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

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

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

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

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

27
28 SECTION 7. Arkansas Code § 17-12-303(e), concerning the criminal
29 background check for initial licensure of accountants, is repealed.

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

34
35 SECTION 8. Arkansas Code § 17-12-601(a)(6), concerning the grounds for
36 revocation or suspension of licensure of accountants, is amended to read as

1 follows:

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

5
6 SECTION 9. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers
7 and duties regarding criminal background checks of the Arkansas Appraiser
8 Licensing and Certification Board, is amended to read as follows:

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

14 ~~(a) Moral turpitude;~~

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

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

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

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

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

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

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

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

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

35 ~~(j)(i)~~ A sexually related crime or act under §
36 5-14-101 et seq.;

1
2 SECTION 10. Arkansas Code § 17-14-206(a)(3) is repealed.

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

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

7
8 SECTION 11. Arkansas Code § 17-14-405(b)(3), concerning requirements
9 for registration under the Appraisal Management Company Registration Act, is
10 amended to read as follows:

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

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

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

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

21
22 SECTION 12. Arkansas Code § 17-14-410(a)(3), concerning the
23 disciplinary authority, enforcement, and hearings under the Appraisal
24 Management Company Registration Act, is amended to read as follows:

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

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

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

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

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

33
34 SECTION 13. Arkansas Code § 17-15-102(3), concerning the definition of
35 "good moral character" related to architects, is repealed.

36 ~~(3)(A) "Good moral character" means character that will enable a~~

1 ~~person to discharge the fiduciary duties of an architect to his or her client~~
2 ~~and to the public for the protection of health, safety, and welfare.~~

3 ~~(B) Evidence of inability to discharge such duties~~
4 ~~includes the commission of an offense justifying discipline under § 17-15-~~
5 ~~308;~~

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

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

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

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

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

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

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

30 (3) ~~Such other~~ Any other proof as the board may require that he
31 or she is competent, trustworthy, financially responsible, and of good
32 personal and business reputation and has not been convicted of a felony ~~or~~
33 ~~any offense involving moral turpitude~~ listed as required under § 17-2-
34 105(a)(1).

35
36 SECTION 18. Arkansas Code § 17-19-210(b)(1), concerning the suspension

1 and penalties for a professional bail bondsman licensee, is amended to read
2 as follows:

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

7
8 SECTION 19. Arkansas Code § 17-20-302 is amended to read as follows:

9 17-20-302. Qualifications of applicants.

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

12 (1) Is qualified under this chapter;

13 ~~(2) Is of good moral character and temperate habits;~~

14 ~~(3)~~(2) Has passed a satisfactory examination conducted by the
15 State Board of Barber Examiners to determine his or her fitness to practice
16 barbering;

17 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

18 ~~(5)~~(4) Has received training approved by the appropriate
19 licensing authorities.

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

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

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

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

31 (1) Experience;

32 (2) Ability;

33 ~~(3) Character;~~

34 ~~(4)~~(3) The manner of performance of previous contracts;

35 ~~(5)~~(4) Financial condition;

36 ~~(6)~~(5) Equipment;

1 ~~(7)~~(6) Any other fact tending to show ability and willingness to
2 conserve the public health and safety; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 26. Arkansas Code § 17-32-304(a)(1), concerning the
2 qualifications for qualifications a geologist-in-training certificate, is
3 repealed.

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

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

8 (a) An applicant for licensure shall:

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

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

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

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

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

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

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

26 (i) Felony listed as required under § 17-2-
27 105(a)(1);

28 (ii) Class A misdemeanor listed as required under §
29 17-2-105(a)(1); or

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

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

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

35 (2)(A) Has successfully completed a criminal background check
36 and has not been found guilty of or pleaded guilty or nolo contendere to one

1 (1) or more of the following in any court in the State of Arkansas or a
2 comparable offense in another state or in a military or federal court, for
3 which a pardon has not been granted:

4 (i) Felony listed as required under § 17-2-
5 105(a)(1);

6 (ii) Class A misdemeanor listed as required under §
7 17-2-105(a)(1); or

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

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

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

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

20
21 SECTION 31. Arkansas Code § 17-39-304(5)(A), concerning applications
22 for licensure of voice stress analysis examiners, is amended to read as
23 follows:

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

29 (i) Felony listed as required under § 17-2-
30 105(a)(1);

31 (ii) Class A misdemeanor listed as required under §
32 17-2-105(a)(1); or

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

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

35
36 SECTION 32. Arkansas Code § 17-39-306(11), concerning the grounds for

1 denial, suspension, or revocation of a license for voice stress analysis
2 examiners, is amended to read as follows:

3 (11) ~~Arrest or indictment~~ Conviction of an applicant for
4 licensure as a certified voice stress analysis examiner or of a licensed
5 certified voice stress analysis examiner for a felony listed as required
6 under § 17-2-105(a)(1), Class A misdemeanor listed as required under § 17-2-
7 105(a)(1), crime involving an act of violence, ~~a crime involving moral~~
8 ~~turpitude~~, or an offense of comparable level if the offense occurred in
9 another state.

10
11 SECTION 33. Arkansas Code § 17-40-307(a)(8) and (9), concerning
12 application and examination for a license or credential for private
13 investigators and private security agencies, are amended to read as follows:

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

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

23
24 SECTION 34. Arkansas Code § 17-40-344 is amended to read as follows:
25 17-40-344. Commission – Denial, suspension, or revocation.

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

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

32 (2) A Class A misdemeanor listed as required under § 17-2-
33 105(a)(1);

34 (3) A crime involving an act of violence;

35 (4) A crime involving the use of a firearm;

36 (5) A crime involving the use of alcohol or drugs while in

1 possession of a firearm; or

2 (6) A crime that results in the person's disqualifying himself
3 or herself from legally possessing a firearm under state or federal law; ~~or~~

4 ~~(7) A crime involving moral turpitude.~~

5
6 SECTION 35. Arkansas Code § 17-42-311(a), concerning violations of the
7 real estate license law, is amended to read as follows:

8 (a) The following acts, conduct, or practices are prohibited, and any
9 licensee found guilty shall be subject to disciplinary action as provided in
10 § 17-42-312:

11 (1) Obtaining a license by means of fraud, misrepresentation, or
12 concealment;

13 (2) Violating any of the provisions of this chapter or any rules
14 or regulations adopted pursuant to this chapter or any order issued under
15 this chapter;

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

20 (4) Making any substantial misrepresentation;

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

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

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

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

34 (9) Acting as a broker or salesperson while not licensed with a
35 principal broker, representing or attempting to represent a broker other than
36 the principal broker with whom he or she is affiliated without the express

1 knowledge and consent of the principal broker, or representing himself or
2 herself as a salesperson or having a contractual relationship similar to that
3 of a salesperson with anyone other than a licensed principal broker;

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

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

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

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

15
16 SECTION 36. Arkansas Code § 17-42-315(f), concerning the criminal
17 background check for real estate licensees, is amended to read as follows:

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

23
24 SECTION 37. Arkansas Code § 17-42-515(3), concerning the violations
25 for a real estate educator license or licensee, is amended to read as
26 follows:

27 (3) Committing an act, felony listed as required under § 17-2-
28 105(a)(1), or crime involving ~~moral turpitude~~, fraud, dishonesty,
29 untruthfulness, or untrustworthiness regardless of whether the imposition of
30 the sentence has been deferred or suspended;

31
32 SECTION 38. Arkansas Code § 17-43-303(a), concerning the application
33 for examination for a sanitarian certificate of registration, is amended to
34 read as follows:

35 (a) The Arkansas State Board of Sanitarians shall admit to examination
36 any person who makes application to the Secretary of the Arkansas State Board

1 of Sanitarians on forms prescribed and furnished by the board, pays an
2 application fee of twenty dollars (\$20.00) to defray the expense of
3 examination, ~~and submits evidence satisfactory to the board that he or she is~~
4 ~~of good moral character.~~

5
6 SECTION 39. Arkansas Code § 17-43-307 is amended to read as follows:

7 17-43-307. Reciprocity.

8 The Arkansas State Board of Sanitarians shall issue a certificate of
9 registration without examination to any person who makes application on forms
10 prescribed and furnished by the board, pays a registration fee of ten dollars
11 (\$10.00), and submits satisfactory proof that he or she:

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

13 ~~(2)~~(1) Has had at least two (2) years' experience in the field
14 of environmental sanitation; and

15 ~~(3)~~(2) Is registered as a sanitarian in a state in which the
16 qualifications for registration are not lower than the qualifications for
17 registration in this state at the time he or she applies for registration.

18
19 SECTION 40. Arkansas Code § 17-43-309(a), concerning the grounds for
20 suspension, revocation, or refusal to renew a sanitarian certificate of
21 registration, is amended to read as follows:

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

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

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

27
28 SECTION 41. Arkansas Code § 17-47-302(a), concerning the eligibility
29 and application for registration as a professional soil classifier or soil
30 classifier-in-training, is amended to read as follows:

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

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

34 ~~(2) Submit~~ shall submit a written application to the Arkansas
35 State Board of Registration for Professional Soil Classifiers containing ~~such~~
36 information as the board may require, together with five (5) references,

1 three (3) of which shall be professional soil classifiers having personal
2 knowledge of his or her soil classifying experience or, in the case of an
3 application for certification as a soil classifier-in-training, three (3)
4 character references.

5
6 SECTION 42. Arkansas Code § 17-47-311 is amended to read as follows:

7 17-47-311. Disciplinary actions – Grounds.

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

- 12 (1) Fraud or deceit in obtaining a certificate of registration;
13 (2) Gross negligence, incompetence, or misconduct in the
14 practice of soil classifying; or
15 ~~(3) A felony or crime involving moral turpitude; or~~
16 ~~(4)~~(3) A violation of the code of ethics adopted and promulgated
17 by the board.

18
19 SECTION 43. Arkansas Code § 17-48-203(a), concerning the
20 qualifications for registration as a surveyor, is amended to read as follows:

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

26 (1) A person holding a certificate of licensure to engage in the
27 practice of land surveying issued to him or her on the basis of a written
28 examination by proper authority of a state, territory, possession of the
29 United States, the District of Columbia, or any foreign country, based on
30 requirements and qualifications as shown on his or her application that in
31 the opinion of the board are equal to or higher than the requirements of this
32 chapter may be licensed at the discretion of the board;

33 (2)(A) A graduate from an approved engineering curriculum with
34 sufficient surveying courses or a surveying technology curriculum of two (2)
35 years or more approved by the board, followed by at least two (2) years of
36 land surveying that must be surveying experience of a character satisfactory

1 to the board, who has passed a written examination designed to show that he
2 or she is qualified to practice land surveying in this state, may be licensed
3 if he or she is otherwise qualified.

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

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

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

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

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

23 (1) A person holding a certificate of licensure as a surveyor
24 intern issued to him or her on the basis of a written examination by proper
25 authority of a state, territory, possession of the United States, the
26 District of Columbia, or any foreign country, based on requirements and
27 qualifications as shown on his or her application, which requirements and
28 qualifications, in the opinion of the board, are equal to or higher than the
29 requirements of this chapter, may be licensed as a surveyor intern at the
30 discretion of the board;

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

36 (3)(A) An applicant who cannot qualify under subdivision (c)(2)

1 of this section and who has four (4) years or more of active experience in
2 land surveying of a character satisfactory to the board and who has passed a
3 written examination designed to show that he or she is proficient in
4 surveying fundamentals may be licensed if he or she is otherwise qualified.

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

9
10 SECTION 45. Arkansas Code § 17-50-301(a)(2), concerning applicant
11 qualifications for registration as a certified water well driller or
12 certified pump installer, is repealed.

13 ~~(2) Is of good moral character;~~
14

15 SECTION 46. Arkansas Code § 17-52-308(b)(3), concerning the complaints
16 and disciplinary procedures for a home inspector, is repealed.

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

19 ~~(B) A plea of nolo contendere or no contest is considered~~
20 ~~a conviction for the purposes of this section;~~
21

22 SECTION 47. Arkansas Code § 17-52-315(a), concerning application for
23 registration as a home inspector, is amended to read as follows:

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

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

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

34 (3) The required registration or registration renewal fee with
35 the application.
36

1 SECTION 48. Arkansas Code § 17-81-304(a)(2), concerning application
2 for licensure as a chiropractor, is amended to read as follows:

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

8
9 SECTION 49. Arkansas Code § 17-81-305(a)(6), concerning qualifications
10 of applicants for licensure as a chiropractor, is repealed.

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

12
13 SECTION 50. Arkansas Code § 17-81-318(e), concerning the criminal
14 background check required for a chiropractor, is amended to read as follows:

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

21
22 SECTION 51. Arkansas Code § 17-82-304(b), concerning the licensing
23 procedure for dentists, is amended to read as follows:

24 (b) An applicant:

25 (1) ~~Must~~ Shall:

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

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

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

33 (2) ~~Must~~ Shall:

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

36 (B) Have graduated from a college of dentistry in North

1 America with the degree of Doctor of Dental Surgery, Doctor of Dental
2 Medicine, or an equivalent degree approved by the board;

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

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

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

11
12 SECTION 52. Arkansas Code § 17-82-306(b), concerning the licensing
13 procedures for dental hygienists, is amended to read as follows:

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

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

16 ~~(2)~~ (1) Have graduated from a dental hygiene program which is
17 accredited by the American Dental Association Commission on Dental
18 Accreditation and approved by the board for the training of dental
19 hygienists; and

20 ~~(3)~~ (2) Submit upon request ~~such~~ proof as required by the board
21 ~~may require touching upon character and fitness.~~

22
23 SECTION 53. Arkansas Code § 17-82-308(b)(3), concerning credentials
24 for dentists and dental hygienists licensed in other states, is amended to
25 read as follows:

26 (3) A certificate from the authority which issued the license,
27 setting forth the applicant's ~~moral reputation and character~~, history with
28 the board, professional ability, and such other information or data as the
29 board may deem necessary or expedient.

30
31 SECTION 54. Arkansas Code § 17-84-304(a)(3), concerning the
32 qualifications for licensure and internship of hearing instrument dispensers,
33 is amended to read as follows:

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

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

36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college
2 or university; ~~and~~

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

4
5 SECTION 55. Arkansas Code § 17-84-308(a)(1), concerning the
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
7 dispenser license, is repealed.

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

12
13 SECTION 56. Arkansas Code § 17-86-303(a)(1), concerning qualifications
14 for licensure as a massage therapist, is amended to read as follows:

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

17
18 SECTION 57. Arkansas Code § 17-86-311(a)(6), concerning the
19 disciplinary actions and penalties for massage therapists, is amended to read
20 as follows:

21 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional
22 conduct;

23
24 SECTION 58. Arkansas Code § 17-87-301(a), concerning qualifications
25 for an applicant for licensure as a registered nurse, is amended to read as
26 follows:

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

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

32 ~~(2)~~ (1) Has completed an approved high school course of study or
33 the equivalent thereof as determined by the appropriate educational agency;
34 and

35 ~~(3)~~ (2) Has completed the required approved professional nursing
36 education program.

1
2 SECTION 59. Arkansas Code § 17-87-304(a), concerning the
3 qualifications of an applicant for licensure as a licensed practical nurse,
4 is amended to read as follows:

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

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

9 ~~(2)~~(1) Has completed an approved high school course of study or
10 the equivalent thereof as determined by the appropriate educational agency;
11 and

12 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
13 program for the preparation of practical nurses and holds a diploma or
14 certificate therefrom. However, the board may waive this requirement if the
15 board determines the applicant to be otherwise qualified.

16
17 SECTION 60. Arkansas Code § 17-87-305(a), concerning the
18 qualifications of an applicant for licensure as a licensed psychiatric
19 technician nurse, is amended to read as follows:

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

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

24 ~~(2)~~(1) Has completed an approved high school course of study or
25 the equivalent thereof as determined by the appropriate educational agency;
26 and

27 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
28 program for the preparation of psychiatric technician nurses and holds a
29 diploma or certificate therefrom. However, the board may waive this
30 requirement if the board determines the applicant to be otherwise qualified.

31
32 SECTION 61. Arkansas Code § 17-87-707(a)(1), concerning the
33 disciplinary actions for nurses, is amended to read as follows:

34 (1) Has been found guilty of or pleads guilty or nolo contendere
35 to:

36 (A) Fraud or deceit in procuring or attempting to procure

1 a medication assistive person certificate; or

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

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

5
6 SECTION 62. Arkansas Code § 17-88-302(2), concerning qualifications of
7 an applicant for licensure as an occupational therapist, is repealed.

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

9
10 SECTION 63. Arkansas Code § 17-89-302(a), concerning the
11 qualifications of an applicant for licensure as a licensed dispensing
12 optician, is amended to read as follows:

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

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

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

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

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

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

31
32 SECTION 64. Arkansas Code § 17-89-303 is amended to read as follows:

33 17-89-303. Qualifications – Registered dispensing opticians.

34 Every applicant for examination as a registered dispensing optician
35 shall present satisfactory evidence to the Arkansas Board of Dispensing
36 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~

1 ~~character,~~ a high school graduate or the equivalent thereof, and either:

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

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

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

13
14 SECTION 65. Arkansas Code § 17-89-305(b), concerning reciprocity for
15 dispensing opticians, is amended to read as follows:

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

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

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

22 ~~(3)~~(2) Has provided ophthalmic dispensing services to the public
23 as a dispensing optician in the state of licensure or registration for a
24 period of at least five (5) years for licensure or three (3) years for
25 registration immediately before his or her application for reciprocity to
26 this state; and

27 ~~(4)~~(3) Is licensed or registered in a state which grants like
28 reciprocal privileges to opticians who hold certificates of licensure or
29 registry issued by this state.

30
31 SECTION 66. Arkansas Code § 17-89-306(b), concerning an ophthalmic
32 dispensers from nonlicensing states seeking licensure as a dispensing
33 opticians in Arkansas, is amended to read as follows:

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

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

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

1 ~~(3)~~(2) Have been engaged in ophthalmic dispensing as described
2 in § 17-89-102(4) for a period of:

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

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

9 ~~(4)~~(3) Successfully complete the written and practical
10 examination for licensure or registry prepared and conducted by the board;
11 and

12 ~~(5)~~(4) Have paid the fee prescribed in § 17-89-304(f) to the
13 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.
14

15 SECTION 67. Arkansas Code § 17-90-301(b), concerning examinations for
16 licensure as an optometrist, is amended to read as follows:

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

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

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

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

24 ~~(4)~~(3) A graduate of a college of optometry that has been
25 accredited by the Accreditation Council on Optometric Education of the
26 American Optometric Association.
27

28 SECTION 68. Arkansas Code § 17-90-302(c)(3), concerning licensure by
29 endorsement for optometrists, is amended to read as follows:

30 (3) A certificate of good standing from each authority which
31 issued the license, setting forth the applicant's ~~moral reputation and~~
32 ~~character~~, history with the authority, professional ability, continuing
33 education compliance, and other information or data as the State Board of
34 Optometry may deem necessary or expedient;
35

36 SECTION 69. Arkansas Code § 17-91-101(a), concerning the licensing

1 requirements for an osteopathic physician, is amended to read as follows:

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

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

5 (2) Is a citizen of the United States;

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

7 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional
8 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et
9 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

10 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose
11 course of study has been recognized by the Department of Education of the
12 American Osteopathic Association; and

13 ~~(6)~~(5) Has completed a one-year internship in a hospital
14 approved by the American Medical Association or the American Osteopathic
15 Association.

16
17 SECTION 70. Arkansas Code § 17-92-305(a), concerning qualification of
18 applicants for licensure as a pharmacist, is amended to read as follows:

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

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

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

22 ~~(3)~~(2) ~~Shall have~~ Have:

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

26 (B) Graduated from a foreign college of pharmacy,
27 completed a transcript verification program, taken and passed a college of
28 pharmacy equivalency exam program, and completed a process of communication
29 ability testing as defined under board regulations so that it is assured that
30 the applicant meets standards necessary to protect public health and safety.

31
32 SECTION 71. Arkansas Code § 17-92-311(a)(3), concerning revocation,
33 suspension, or nonrenewal of licensure or registration grounds, is amended to
34 read as follows:

35 (3) The person has been found guilty or pleaded guilty or nolo
36 contendere in a criminal proceeding, regardless of whether or not the

1 adjudication of guilt or sentence is withheld by a court of this state,
2 another state, or the ~~federal government~~ United States for:

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

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

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

10
11 SECTION 72. Arkansas Code § 17-92-317(e), concerning criminal
12 background check requirements for an intern or pharmacist license or a
13 pharmacy technician registration, is amended to read as follows:

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

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

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

26 (3) Any violation of Arkansas pharmacy or drug law or
27 regulations, including, but not limited to, this chapter, the Uniform
28 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
29 Cosmetic Act, § 20-56-201 et seq.

30
31 SECTION 73. Arkansas Code § 17-93-303(b), concerning qualification of
32 applicants for licensure as a physical therapist, is amended to read as
33 follows:

34 (b) Each physical therapist applicant shall:

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

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

1 ~~(3)~~(2) Have graduated from a school of physical therapy
2 accredited by a national accreditation agency approved by the board;
3 ~~(4)~~(3) Have passed examinations selected and approved by the
4 board; and
5 ~~(5)~~(4) Submit fees as determined by the board.
6

7 SECTION 74. Arkansas Code § 17-93-304(b), concerning qualification of
8 applicants for licensure as a physical therapist assistant, is amended to
9 read as follows:

10 (b) Each physical therapist assistant applicant shall:
11 (1) Be at least eighteen (18) years of age;
12 ~~(2) Be of good moral character;~~
13 ~~(3)~~(2) Have graduated from a school of physical therapy
14 accredited by a national accreditation agency approved by the Arkansas State
15 Board of Physical Therapy;
16 ~~(4)~~(3) Have passed examinations selected and approved by the
17 Arkansas State Board of Physical Therapy; and
18 ~~(5)~~(4) Submit fees as determined by the Arkansas State Board of
19 Physical Therapy.
20

21 SECTION 75. Arkansas Code § 17-93-308(a)(4), concerning the
22 revocation, suspension, or denial of licensure for physical therapists, is
23 repealed.

24 ~~(4) Has been convicted of a crime involving moral turpitude;~~
25

26 SECTION 76. Arkansas Code § 17-93-412(a)(1), concerning the
27 revocation, suspension, or denial of a license for an athletic trainer, is
28 repealed.

29 ~~(1) Been convicted of a felony or misdemeanor involving moral~~
30 ~~turpitude, the record of conviction being conclusive evidence of conviction~~
31 ~~if the board determines after investigation that the person has not been~~
32 ~~sufficiently rehabilitated to warrant the public trust;~~
33

34 SECTION 77. Arkansas Code § 17-95-104(a)(2), concerning a hospital's
35 duty to report physician misconduct, is amended to read as follows:

36 (2) The hospital shall also report any other formal disciplinary

1 action concerning any such physician taken by the hospital upon
2 recommendation of the medical staff relating to professional ethics, medical
3 incompetence, ~~moral turpitude~~, or drug or alcohol abuse.
4

5 SECTION 78. Arkansas Code § 17-95-403(b)(2), concerning qualification
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of
8 acts constituting unprofessional conduct as defined in § 17-95-409;
9

10 SECTION 79. Arkansas Code § 17-95-408(d)(2), concerning annual
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall
13 consider the ~~moral character and~~ professional qualifications of the applicant
14 upon notice and hearing before ordering reinstatement. Unless such a showing
15 shall thereupon be made to the board as would entitle the applicant to the
16 issuance of an original license, reinstatement shall be denied.
17

18 SECTION 80. Arkansas Code § 17-95-409(a)(2)(A), concerning the grounds
19 for denial, suspension, or revocation of a physician license, is amended to
20 read as follows:

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

23 (ii) The judgment of any such conviction, unless
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;
25

26 SECTION 81. Arkansas Code § 17-95-903(b)(7), concerning qualifications
27 of an applicant for licensure as a graduate registered physician, is
28 repealed.

29 ~~(7) Is of good moral character; and~~
30

31 SECTION 82. Arkansas Code § 17-95-910 is amended to read as follows:
32 17-95-910. Violation.

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

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

- 1 (2) Fraudulently or deceptively uses a license;
2 (3) Violates any provision of this subchapter or any rules
3 adopted by the board pertaining to this chapter;
4 (4) Is convicted of a felony listed as required under § 17-2-
5 105(a)(1);
6 (5) Is a habitual user of intoxicants or drugs to the extent
7 that he or she is unable to safely perform as a graduate registered
8 physician; or
9 (6) Has been adjudicated as mentally incompetent or has a mental
10 condition that renders him or her unable to safely perform as a graduate
11 registered physician; ~~or~~
12 ~~(7) Has committed an act of moral turpitude.~~
13

14 SECTION 83. Arkansas Code § 17-96-303(a), concerning qualifications of
15 an applicant for licensure as a podiatrist, is amended to read as follows:

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

- 19 (1) Is twenty-one (21) years of age or over; and
20 ~~(2) Is of good moral character; and~~
21 ~~(3)~~ (2) Has received a license or certificate of graduation from
22 a legally incorporated, regularly established school of podiatric medicine
23 recognized by the Council on Podiatric Medical Education of the American
24 Podiatric Medical Association within the states, territories, districts, and
25 provinces of the United States or within any foreign country.
26

27 SECTION 84. Arkansas Code § 17-96-308(c)(2)(C), concerning the
28 definition of "unprofessional and dishonest conduct" regarding podiatric
29 medicine licensure, is repealed.

30 ~~(C) Being guilty of an offense involving moral turpitude;~~
31

32 SECTION 85. Arkansas Code § 17-97-201(a)(5)(B), concerning the
33 membership of the Arkansas Psychology Board, is amended to read as follows:

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

- 36 (i) Ceases to be qualified;

- 1 (ii) Fails to attend three (3) successive board
2 meetings without just cause as determined by the board;
- 3 (iii) Is found to be in violation of this chapter;
- 4 (iv) Pleads guilty or nolo contendere to or is found
5 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed as
6 required under § 17-2-105(a)(1) by a court of competent jurisdiction; or
- 7 (v) Pleads guilty or nolo contendere to or is found
8 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
9 board duties by a court of competent jurisdiction.

10
11 SECTION 86. Arkansas Code § 17-97-302(b)(1), concerning qualifications
12 of an applicant for licensure as a psychologist, is amended to read as
13 follows:

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

- 16 ~~(A) Is of good moral character;~~
- 17 ~~(B)~~(A) Has received a doctoral degree in psychology from
18 an accredited institution recognized by the board as maintaining satisfactory
19 standards at the time the degree was granted or, in lieu of a degree, a
20 doctoral degree in a closely allied field if it is the opinion of the board
21 that the training required therefor is substantially similar;
- 22 ~~(C)~~(B) Has had at least two (2) years of experience in
23 psychology of a type considered by the board to be qualifying in nature with
24 at least one (1) of those years being postdoctoral work;
- 25 ~~(D)~~(C) Is competent in psychology, as shown by passing
26 examinations, written or oral, or both, as the board deems necessary;
- 27 ~~(E)~~(D) Is not considered by the board to be engaged in
28 unethical practice;
- 29 ~~(F)~~(E) Has applied for a criminal background check and has
30 not been found guilty of or pleaded guilty or nolo contendere to any of the
31 offenses listed in § 17-97-312(f); and
- 32 ~~(G)~~(F) Has not failed an examination given by the board
33 within the preceding six (6) months.
- 34

35 SECTION 87. Arkansas Code § 17-97-303(b)(1), concerning qualifications
36 of an applicant for licensure as a psychological examiners, is amended to

1 read as follows:

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

4 ~~(A) Is of good moral character;~~

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

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

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

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

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

18
19 SECTION 88. Arkansas Code § 17-97-305(d)(1)(C), concerning the
20 qualifications for examination for a provisional licensure as a psychologist,
21 is repealed.

22 ~~(C) Has good moral character;~~

23
24 SECTION 89. Arkansas Code § 17-97-305(d)(1)(F), concerning the
25 qualifications for a provisional license for psychologists and psychological
26 examiners, is amended to read as follows:

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

29
30 SECTION 90. Arkansas Code § 17-97-308(f)(2), concerning annual
31 registration for licensure as a psychologist, is amended to read as follows:

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

35
36 SECTION 91. Arkansas Code § 17-98-302(a), concerning admission to

1 examination for licensure as a disease intervention specialist, is amended to
2 read as follows:

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

8 ~~(1) Is a person of good moral character;~~

9 ~~(2)~~(1) Meets the minimum educational requirements;

10 ~~(3)~~(2) Meets the minimum specialized training requirements, as
11 determined by the board;

12 ~~(4)~~(3) Has had two (2) years of field experience in human
13 immunodeficiency virus/sexually transmitted disease intervention; and

14 ~~(5)~~(4) Is actively engaged in the field of human
15 immunodeficiency virus/sexually transmitted disease intervention at the time
16 he or she makes application.
17

18 SECTION 92. Arkansas Code § 17-98-303 is amended to read as follows:
19 17-98-303. Issuance of certificate without examination.

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

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

26 ~~(2)~~(1) Has had at least two (2) years' experience in the field
27 of human immunodeficiency virus/sexually transmitted disease intervention;
28 and

29 ~~(3)~~(2) Is registered as a disease intervention specialist in a
30 state in which the qualifications for registration are not lower than the
31 qualifications for registration in this state at the time he or she applies
32 for registration.
33

34 SECTION 93. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
35 read as follows:

36 17-98-305. Application for reinstatement.

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

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

8
9 17-98-306. Refusal to renew – Suspension or revocation.

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

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

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

16
17 SECTION 94. Arkansas Code § 17-99-302(b), concerning qualifications of
18 an applicant for licensure as a respiratory care practitioner, is amended to
19 read as follows:

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

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

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

23 ~~(3)~~ (2) Have been awarded a high school diploma or its
24 equivalent;

25 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory
26 care program which has been approved by the Arkansas State Respiratory Care
27 Examining Committee, to include adequate instruction in basic medical
28 science, clinical science, and respiratory care theory and procedures; and

29 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State
30 Medical Board and the committee, unless exempted by other provisions of this
31 chapter.

32
33 SECTION 95. Arkansas Code § 17-99-307(3), concerning the grounds for
34 denial, suspension, or revocation of a respiratory care practitioner license,
35 is repealed.

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

1
2 SECTION 96. Arkansas Code § 17-100-302(b), concerning qualifications
3 of an applicant for licensure as a speech-language pathologist or
4 audiologist, is amended to read as follows:

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

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

8 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
9 language pathology or a master's degree in audiology obtained on or before
10 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
11 an educational institution recognized by the board;

12 ~~(3)~~(2) Submit evidence of the completion of the educational,
13 clinical experience, and employment requirements, which shall be based on
14 appropriate national standards and prescribed by the rules adopted under this
15 chapter; and

16 ~~(4)~~(3) Pass an examination approved by the board before the
17 board approves a license.

18
19 SECTION 97. Arkansas Code § 17-100-302(d), concerning qualifications
20 of an applicant for provisional licensure as a speech-language pathologist or
21 audiologist, is amended to read as follows:

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

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

25 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
26 language pathology or audiology, as the case may be, from an educational
27 institution recognized by the board;

28 ~~(3)~~(2) Be in the process of completing the postgraduate
29 professional experience requirement; and

30 ~~(4)~~(3) Pass an examination approved by the board.

31
32 SECTION 98. Arkansas Code § 17-100-307(a)(3)(B), concerning the
33 grounds for denial, suspension, revocation, or other disciplinary action for
34 speech-language pathologists and audiologists, is amended to read as follows:

35 (B) A plea or verdict of guilty made to a charge of a felony ~~or~~
36 ~~of any offense involving moral turpitude~~ listed as required under § 17-2-

1 105(a)(1) is a conviction within the meaning of this section.

2
3 SECTION 99. Arkansas Code § 17-101-305(a)(4)(A), concerning the
4 grounds for denial, suspension, or revocation of a veterinarian license, is
5 amended to read as follows:

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

8
9 SECTION 100. Arkansas Code § 17-102-304(a)(3), concerning
10 qualifications of an applicant for provisional licensure as an acupuncturist,
11 is amended to read as follows:

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

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

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

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

26
27 SECTION 101. Arkansas Code § 17-103-305(b), concerning the grounds for
28 renewal, revocation, or suspension of a social worker license, is amended to
29 read as follows:

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

1 SECTION 102. Arkansas Code § 17-103-306(a)(1)(D), concerning
2 qualifications of an applicant for licensure as a licensed social worker, is
3 repealed.

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

5
6 SECTION 103. Arkansas Code § 17-103-306(a)(1)(G), concerning
7 qualifications for a licensed social worker license, is amended to read as
8 follows:

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

14
15 SECTION 104. Arkansas Code § 17-103-306(b)(1)(G), concerning the
16 qualifications for a licensed master social worker license, is amended to
17 read as follows:

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

23
24 SECTION 105. Arkansas Code § 17-103-306(c)(1)(H), concerning the
25 qualifications for a licensed certified social worker license, is amended to
26 read as follows:

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

31
32 SECTION 106. Arkansas Code § 17-103-307(e), concerning criminal
33 background check requirements for social workers, is amended to read as
34 follows:

35 (e) Except as provided in subdivision (k)(1) of this section, a person
36 is not eligible to receive or hold a license issued by the board if that

1 person has pleaded guilty or nolo contendere to or been found guilty of a
2 felony, ~~any crime involving moral turpitude,~~ listed as required under § 17-2-
3 105(a)(1) or criminal offense involving violence, dishonesty, fraud, deceit,
4 breach of client trust, or abuse of the vulnerable, including without
5 limitation:

- 6 (1) Capital murder as prohibited in § 5-10-101;
- 7 (2) Murder in the first degree as prohibited in § 5-10-102 and
8 murder in the second degree as prohibited in § 5-10-103;
- 9 (3) Manslaughter as prohibited in § 5-10-104;
- 10 (4) Negligent homicide as prohibited in § 5-10-105;
- 11 (5) Kidnapping as prohibited in § 5-11-102;
- 12 (6) False imprisonment in the first degree as prohibited in § 5-
13 11-103;
- 14 (7) Permanent detention or restraint as prohibited in § 5-11-
15 106;
- 16 (8) Robbery as prohibited in § 5-12-102;
- 17 (9) Aggravated robbery as prohibited in § 5-12-103;
- 18 (10) Battery in the first degree as prohibited in § 5-13-201;
- 19 (11) Aggravated assault as prohibited in § 5-13-204;
- 20 (12) Introduction of a controlled substance into the body of
21 another person as prohibited in § 5-13-210;
- 22 (13) Aggravated assault upon a law enforcement officer or an
23 employee of a correctional facility, § 5-13-211, if a Class Y felony;
- 24 (14) Terroristic threatening in the first degree as prohibited
25 in § 5-13-301;
- 26 (15) Rape as prohibited in § 5-14-103;
- 27 (16) Sexual indecency with a child as prohibited in § 5-14-110;
- 28 (17) Sexual extortion, § 5-14-113;
- 29 (18) Sexual assault in the first degree, second degree, third
30 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
- 31 (19) Incest as prohibited in § 5-26-202;
- 32 (20) Offenses against the family as prohibited in §§ 5-26-303 –
33 5-26-306;
- 34 (21) Endangering the welfare of an incompetent person in the
35 first degree as prohibited in § 5-27-201;
- 36 (22) Endangering the welfare of a minor in the first degree as

1 prohibited in § 5-27-205;

2 (23) Permitting abuse of a minor as prohibited in § 5-27-221(a);

3 (24) Engaging children in sexually explicit conduct for use in
4 visual or print media, transportation of minors for prohibited sexual
5 conduct, pandering or possessing visual or print medium depicting sexually
6 explicit conduct involving a child, or use of a child or consent to use of a
7 child in a sexual performance by producing, directing, or promoting a sexual
8 performance by a child as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402, and
9 5-27-403;

10 (25) Computer child pornography as prohibited in § 5-27-603;

11 (26) Computer exploitation of a child in the first degree as
12 prohibited in § 5-27-605;

13 (27) Felony adult abuse as prohibited in § 5-28-103;

14 (28) Theft of property as prohibited in § 5-36-103;

15 (29) Theft by receiving as prohibited in § 5-36-106;

16 (30) Arson as prohibited in § 5-38-301;

17 (31) Burglary as prohibited in § 5-39-201;

18 (32) Felony violation of the Uniform Controlled Substances Act,
19 § 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419 –
20 5-64-442;

21 (33) Promotion of prostitution in the first degree as prohibited
22 in § 5-70-104;

23 (34) Stalking as prohibited in § 5-71-229; and

24 (35) Criminal attempt, criminal complicity, criminal
25 solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-
26 3-301, and 5-3-401, to commit any of the offenses listed in this subsection.
27

28 SECTION 107. Arkansas Code § 17-103-307(k)(1), concerning criminal
29 background check requirements for social workers, is amended to read as
30 follows:

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

1 section.

2
3 SECTION 108. Arkansas Code § 17-105-102(b)(6), concerning
4 qualifications of an applicant for licensure as a physician assistant, is
5 repealed.

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

7
8 SECTION 109. Arkansas Code § 17-105-113 is amended to read as follows:
9 17-105-113. Violation.

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

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

14 (2) Fraudulently or deceptively uses a license;

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

17 (4) Is convicted of a felony listed as required under § 17-2-
18 105(a)(1);

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

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

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

25 ~~(8)~~(7) Represents himself or herself as a physician.

26
27 SECTION 110. Arkansas Code § 17-106-107(a)(2), concerning the
28 licensing requirements for healthcare professionals who use radioactive
29 materials or medical equipment emitting or detecting ionizing radiation on
30 human beings for diagnostic or therapeutic purposes, is amended to read as
31 follows:

32 (2) Submit satisfactory evidence verified by oath or affirmation
33 that the applicant:

34 (A) Is qualified to administer radioactive materials or
35 operate medical equipment emitting or detecting ionizing radiation upon human
36 beings;

1 ~~(B) Is of good moral character;~~
2 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
3 of application; and
4 ~~(D)~~(C) Has been awarded a high school diploma or has
5 passed the General Educational Development Test or the equivalent.
6

7 SECTION 111. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that there is a shortage of certain
9 occupations or professions in certain parts of the State of Arkansas; that
10 individuals with criminal records cannot obtain licenses in certain
11 occupations or professions despite the shortages; that the inability of
12 individuals with criminal records to obtain licenses is increasing recidivism
13 in the State of Arkansas; that this act requires that the licensing entities
14 make certain administrative rules requiring licenses that would impact
15 individuals with criminal records; and that this act is immediately necessary
16 to ensure that individuals have certainty that they will be able to obtain
17 licenses before entering occupational programs or schools in the fall of this
18 year, to decrease the shortages of certain occupations or professions, to
19 reduce recidivism in the State of Arkansas, and to allow licensing entities
20 to make administrative rules at the earliest possible date to ensure
21 certainty in the requirements of licenses. Therefore, an emergency is
22 declared to exist, and this act being immediately necessary for the
23 preservation of the public peace, health, and safety shall become effective
24 on:

25 (1) The date of its approval by the Governor;
26 (2) If the bill is neither approved nor vetoed by the Governor,
27 the expiration of the period of time during which the Governor may veto the
28 bill; or
29 (3) If the bill is vetoed by the Governor and the veto is
30 overridden, the date the last house overrides the veto.
31
32

33 /s/T. Garner
34
35
36