

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 218

5 By: Senator J. Hendren
6 By: Representative M. Berry
7

For An Act To Be Entitled

9 AN ACT CONCERNING NONCRIMINAL BACKGROUND CHECK
10 REQUESTS SUBMITTED TO THE DIVISION OF ARKANSAS STATE
11 POLICE; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING NONCRIMINAL BACKGROUND CHECK
16 REQUESTS SUBMITTED TO THE DIVISION OF
17 ARKANSAS STATE POLICE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-12-1001(17), concerning the definition
23 of "nonconviction information" used with regard to criminal history
24 information and reporting standards, is amended to read as follows:

25 (17) "Nonconviction information" means a felony arrest
26 information without disposition if an interval of one (1) year has at least
27 five (5) years have elapsed from the date of arrest ~~and no active prosecution~~
28 ~~of the charge is pending, as well as, any misdemeanor arrest for which a~~
29 disposition has not been entered, all acquittals, and all dismissals;
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31 SECTION 2. Arkansas Code § 12-12-1005, concerning the Identification
32 Bureau of the Division of Arkansas State Police, is amended to add an
33 additional subsection to read as follows:

34 (d)(1) A background check request for a non-criminal justice purpose
35 that must be completed under state or federal law through the Division of
36 Arkansas State Police shall be submitted to the division by electronic means



1 through the Arkansas State Police Criminal Background Check System.

2 (2) This subsection does not apply to a submission originating
3 outside the State of Arkansas.

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5 SECTION 3. Arkansas Code § 12-12-1503(2), concerning the definition of
6 "arrest records" in regard to the Arkansas State Criminal Records Act, is
7 amended to read as follows:

8 (2)(A) "Arrest records" or "arrest information" means felony
9 arrest information in which conviction or disposition information has not
10 been entered into the central repository.

11 (B) "Arrest records" or "arrest information" does not
12 include:

13 (i) Misdemeanor arrest information;

14 (ii) Felony arrest information that has a
15 disposition of acquittal, dismissal, or nolle prosequi entered into the
16 central repository; or

17 (iii) Felony arrest information if more than ~~three~~
18 five (5) years have elapsed from the date of the felony arrest;

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20 SECTION 4. Arkansas Code § 12-12-1507, concerning the administration
21 of the Arkansas State Criminal Records Act, is amended to add an additional
22 subsection to read as follows:

23 (e) A background check request for a non-criminal justice purpose that
24 must be completed under state or federal law through the division shall be
25 submitted to the division by electronic means through the Arkansas State
26 Police Criminal Background Check System.