

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1202

By: Representative Boyd

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE COMPREHENSIVE CRIMINAL RECORD SEALING ACT OF 2013 TO ALLOW A STATE AGENCY OR BOARD ENGAGED IN THE LICENSING OF MEDICAL PROFESSIONALS TO HAVE ACCESS TO AND USE OF EXPUNGED AND SEALED RECORDS OF CRIMINAL CONVICTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE COMPREHENSIVE CRIMINAL RECORD SEALING ACT OF 2013 TO ALLOW A STATE AGENCY OR BOARD ENGAGED IN THE LICENSING OF MEDICAL PROFESSIONALS TO HAVE ACCESS TO AND USE OF EXPUNGED AND SEALED RECORDS OF CRIMINAL CONVICTIONS.

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

SECTION 1. Arkansas Code § 16-90-1416(a) is amended to read as follows:

(a) The custodian of a sealed record shall not disclose the existence of the sealed record or release the sealed record except when requested by:

(1) The person whose record was sealed or the person's attorney when authorized in writing by the person;

(2) A criminal justice agency, as defined in § 12-12-1001, and the request is accompanied by a statement that the request is being made in conjunction with:

(A) An application for employment with the criminal



justice agency by the person whose record has been sealed; or

(B) A criminal background check under the Polygraph Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, § 17-40-101 et seq.;

(3) A court, upon a showing of:

(A) A subsequent adjudication of guilt of the person whose record has been sealed; or

(B) Another good reason shown to be in the interests of justice;

(4) A prosecuting attorney, and the request is accompanied by a statement that the request is being made for a criminal justice purpose; ~~or~~

(5) A state agency or board engaged in the licensing of healthcare professionals; or

(6) The Arkansas Crime Information Center.

SECTION 2. Arkansas Code § 16-90-1417(b)(2), concerning the effect of sealing records, is amended to read as follows:

(2) This subchapter does not prevent the use of the record of a prior conviction otherwise sealed under this subchapter for the following purposes:

(A) ~~Any~~ A criminal proceeding for any purpose not otherwise prohibited by law;

(B) Determination of offender status under the former § 5-64-413;

(C) Habitual offender status, § 5-4-501 et seq.;

(D) Impeachment upon cross-examination as dictated by the Arkansas Rules of Evidence; ~~or~~

(E) Healthcare professional licensure by a state agency or board; or

(F) Any disclosure mandated by Rule 17, 18, or 19 of the Arkansas Rules of Criminal Procedure.

APPROVED: 02/06/2017