

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 2033

By: Representative Shepherd

For An Act To Be Entitled

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

Subtitle

TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A CRIMINAL BACKGROUND CHECK POLICY FOR CERTAIN PERSONS APPLYING FOR OR OCCUPYING A POSITION HAVING ACCESS TO FEDERAL TAX INFORMATION.

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

SECTION 1. Arkansas Code § 26-17-403, concerning the powers and duties of the Director of the Department of Finance and Administration, is amended to add an additional subdivision to read as follows:

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

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

(ii) An applicant for employment with the Department



of Finance and Administration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED: 03/30/2017