

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1796

By: Representative Cozart
By: Senator Hill

For An Act To Be Entitled

AN ACT TO AMEND OCCUPATIONAL CRIMINAL BACKGROUND
CHECKS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND OCCUPATIONAL CRIMINAL
BACKGROUND CHECKS.

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

SECTION 1. Arkansas Code § 17-3-102(b)(1), concerning licensing restrictions based on criminal records, is amended to read as follows:

(b)(1) If an individual has been convicted of a crime listed in subsection (a) or subsection (e) of this section, a licensing entity may waive disqualification or revocation of a license based on the conviction if a request for a waiver is made by:

- (A) An affected applicant for a license; or
- (B) The individual holding a license subject to

revocation.

SECTION 2. Arkansas Code § 17-3-102(e), concerning licensing restrictions based on criminal records, is amended to read as follows:

(e) Due to the serious nature of the offenses, the following shall result in ~~permanent~~ disqualification for licensure, regardless of the date of conviction or the date on which probation or incarceration ends unless a waiver is granted under subsection (b) of this section:

- (1) Capital murder as prohibited in § 5-10-101;



- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Kidnapping as prohibited in § 5-11-102;
- (4) Aggravated assault upon a law enforcement officer or an employee of a correctional facility as prohibited in § 5-13-211, if a Class Y felony;
- (5) Rape as prohibited in § 5-14-103;
- (6) Sexual extortion as prohibited in § 5-14-113;
- (7) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
- (8) Incest as prohibited in § 5-26-202;
- (9) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
- (10) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (11) Adult abuse that constitutes a felony as prohibited in § 5-28-103; and
- (12) Arson as prohibited in § 5-38-301.

SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing restrictions based on criminal records, is amended to read as follows:

(g) The ~~permanent~~ disqualification for an offense listed in subsection (a) or subsection (e) of this section does not apply to an individual who holds a valid license on July 24, 2019.

APPROVED: 4/19/21