

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1251

By: Representative L. Johnson

By: Senators J. Boyd, Irvin

For An Act To Be Entitled

AN ACT TO CLARIFY THAT CRIMINAL BACKGROUND CHECKS APPLY TO ALL EMERGENCY MEDICAL SERVICES PERSONNEL; TO AMEND THE CRIMINAL BACKGROUND CHECK LAW TO INCLUDE OFFENSES PROSECUTED IN OTHER STATES OR BY FEDERAL COURTS; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THAT CRIMINAL BACKGROUND CHECKS APPLY TO ALL EMERGENCY MEDICAL SERVICES PERSONNEL; AND TO AMEND THE CRIMINAL BACKGROUND CHECK LAW TO INCLUDE OFFENSES PROSECUTED IN OTHER STATES OR BY FEDERAL COURTS.

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

SECTION 1. Arkansas Code § 20-13-1106(a), concerning disqualifying offenses and waivers for emergency medical services personnel, is amended to read as follows:

(a)(1) Except as provided in subdivision (d)(1) of this section, the Division of Emergency Medical Services of the Department of Health shall issue a determination that a person is disqualified from certification or recertification if the person has been found guilty of or has pleaded guilty or nolo contendere ~~to any of the offenses listed in this subdivision (a)(1),~~ in a state court, inside or outside of this state, or a federal court, to any of the following offenses or similar conduct under another jurisdiction,



including offenses for which the record has been expunged:

- (A) Capital murder as prohibited in § 5-10-101;
- (B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (C) Manslaughter as prohibited in § 5-10-104;
- (D) Negligent homicide as prohibited in § 5-10-105;
- (E) Kidnapping as prohibited in § 5-11-102;
- (F) False imprisonment in the first degree as prohibited in § 5-11-103;
- (G) Permanent detention or restraint as prohibited in § 5-11-106;
- (H) Robbery as prohibited in § 5-12-102;
- (I) Aggravated robbery as prohibited in § 5-12-103;
- (J) Battery in the first degree as prohibited in § 5-13-201;
- (K) Aggravated assault as prohibited in § 5-13-204;
- (L) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;
- (M) Terroristic threatening in the first degree as prohibited in § 5-13-301(a);
- (N) Rape as prohibited in § 5-14-103;
- (O) Sexual indecency with a child as prohibited in § 5-14-110;
- (P) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
- (Q) Incest as prohibited in § 5-26-202;
- (R) Offenses against the family as prohibited in §§ 5-26-303 – 5-26-306;
- (S) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
- (T) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (U) Permitting child abuse as prohibited in § 5-27-221(a);
- (V) Engaging children in sexually explicit conduct for use in a visual or print medium, transportation of minors for prohibited sexual conduct, pandering or possessing a visual or print medium depicting sexually

explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402, and 5-27-403;

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

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

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

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

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

(BB) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 et seq., as prohibited in:

(i) The former § 5-64-401; and

(ii) Sections 5-64-419 – 5-64-442;

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

(DD) Stalking as prohibited in § 5-71-229;

(EE) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401 to commit any of the offenses listed in this subsection;

(FF) Driving or boating while intoxicated, as prohibited in § 5-65-103, that is a:

(i) Felony; and

(ii) Fourth or subsequent offense;

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

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

(II) 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; and

(JJ) Sexual extortion as prohibited in § 5-14-113.

(2)(A) However, the division shall forward a request for a waiver to the Secretary of the Department of Health on all applicants who have been convicted of the crimes in subdivision (a)(1) of this section if five (5) years have passed since the conviction, if five (5) years have passed since release from custodial confinement, or if the applicants are

currently certified emergency medical ~~technicians~~ services personnel, prior to making the final determination on certification or recertification.

(B) ~~These individuals will~~ Individuals under subdivision (a)(2)(A) of this section shall not be suspended prior to the secretary's making the final determination.

SECTION 2. Arkansas Code § 20-13-1106(b), concerning criminal background check waivers for emergency medical services personnel, is amended to read as follows:

(b) An applicant shall not be disqualified from certification or recertification when the applicant has been found guilty of or has pleaded guilty or nolo contendere to a misdemeanor if the offense:

(1) Did not involve exploitation of an adult, abuse of a person, neglect of a person, or sexual contact; or

(2) Was not committed while performing ~~the duties of an emergency medical technician~~ as emergency medical services personnel.

APPROVED: 2/13/23