

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 492

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO ALLOW FOR AN ALTERNATIVE TO THE REQUIREMENT FOR NOTARIZATION OF REQUESTS FOR ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT CENTRAL REGISTRY CHECKS; TO ALLOW FOR AN ALTERNATIVE TO THE REQUIREMENT FOR NOTARIZATION OF REQUESTS FOR CHILD MALTREATMENT CENTRAL REGISTRY CHECKS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW FOR AN ALTERNATIVE TO THE REQUIREMENT FOR NOTARIZATION OF REQUESTS FOR ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT REGISTRY CHECKS AND CHILD MALTREATMENT REGISTRY CHECKS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-12-1717(a)(7)(A), concerning the persons or entities to whom founded reports of adult maltreatment or long-term care facility resident maltreatment from the Adult and Long-Term Care Facility Resident Maltreatment Central Registry shall be made available, is amended to read as follows:

(7)(A) An employer or volunteer agency for the purpose of screening an employee, applicant, or volunteer upon submission of a signed, notarized release or a release with an electronic signature as provided under § 25-32-107(d) from the employee, applicant, or volunteer.



SECTION 2. Arkansas Code § 12-18-909(g)(8)(A), concerning the persons or entities to whom true reports of child maltreatment from the Child Maltreatment Central Registry shall be made available, is amended to read as follows:

(8)(A) The Division of Child Care and Early Childhood Education and the childcare facility owner or operator who requested the registry information through a signed notarized release or a release with an electronic signature as provided under § 25-32-107(d) from an individual who is a volunteer, has applied for employment, is currently employed by a childcare facility, or is the owner or operator of a childcare facility.

SECTION 3. Arkansas Code § 12-18-909(g)(18)(A), concerning the persons or entities to whom true reports of child maltreatment from the Child Maltreatment Central Registry shall be made available, is amended to read as follows:

(18)(A) An employer or volunteer agency for purposes of screening an employee, applicant, or volunteer who is or will be engaged in employment or activity with children, the elderly, individuals with disabilities, or individuals with mental illness upon submission of a signed, notarized release or a release with an electronic signature as provided under § 25-32-107(d) from the employee, applicant, or volunteer.

SECTION 4. Arkansas Code § 12-18-909(g)(23)(C)(i), concerning the persons or entities to whom true reports of child maltreatment from the Child Maltreatment Central Registry shall be made available, is amended to read as follows:

(C)(i) Another person or organization designated by a public school, private school, or school district to organize volunteers for the public school, private school, or school district upon the submission of a signed, notarized release or a release with an electronic signature as provided under § 25-32-107(d) from the volunteer.

SECTION 5. Arkansas Code § 21-15-107(d)(2), concerning duties of the Identification Bureau of the Division of Arkansas State Police with regard to developing a form to be used for central registry checks, is amended to read

as follows:

(2)(A) The Child Maltreatment Central Registry and the Adult and Long-Term Care Facility Resident Maltreatment Central Registry shall work together to develop a form to be used for central registry checks conducted under this subchapter.

~~(B) The form shall require the notarized signature of the person who is the subject of the check~~ under subdivision (d)(2)(A) of this section shall be designed so that completion of the form requires:

(i) The notarized signature of the person who is the subject of the registry checks; or

(ii) As provided under § 25-32-107(d), the electronic signature of the person who is the subject of the registry checks.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that child welfare agencies and healthcare providers have an urgent need for employees, and the requirement that a form for a maltreatment registry check of an applicant for employment be notarized stalls employment and causes undue hardship; that the Arkansas Code already provides that an electronic signature satisfies any law requiring a signature, but further clarity in certain sections of the Arkansas Code requiring maltreatment registry check forms to be signed is necessary; and that the immediate effect of this act is necessary in order to maintain an orderly and efficient system for hiring employees. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 4/11/23