

## SENATE AMENDMENT 8 TO HB1016.

inserting on line 16 of page 10 a new Section to read as follows:

"SECTION 5. (a) (1) (A) (i) On and after the effective date of this Act, the board of directors of a local school district shall require, as a condition for employment in a noncertified staff position, any person making such application to apply to the Identification Bureau of the Department of Arkansas State Police for a state and nationwide criminal records check, the latter to be conducted by the Federal Bureau of Investigation.

(ii) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(B) Such person shall sign a release of information to the Department of Education and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal records check.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all information obtained concerning the person in the commission of any offense listed in subsection (b) of this section to the Department of Education, which shall promptly inform the board of directors of the local school district whether or not the applicant is eligible for employment as provided by subsection (b) (1) of this act.

(3) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(b) (1) No person shall be eligible for employment by a local school district in a noncertified staff position if that person has pleaded guilty or nolo contendere to, or been found guilty of any of the following offenses by any court in the state of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first and second degrees as prohibited in §§ 5-10-102 and 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first and second degrees as prohibited in §§ 5-13-201 and 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape and carnal abuse in the first and second degrees as prohibited in §§ 5-14-103 - 5-14-105;
- (9) Sexual abuse in the first and second degrees as prohibited in §§ 5-14-108

and 5-14-109;

(10) Violation of a minor in the first and second degrees as prohibited in §§ 5-14-120 and 5-14-121;

(11) Incest as prohibited in § 5-26-202;

(12) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, 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;

(13) Distribution to minors, as prohibited in § 5-64-406;

(14) Manufacture, deliver, or possess with intent to manufacture or deliver any controlled substance, as prohibited in § 5-64-401;

(15) Criminal attempt, 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;

(16) Carnal abuse in the third degree as prohibited in § 5-14-106;

(17) Sexual solicitation of a child as prohibited in § 5-14-110;

(18) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;

(19) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;

(20) False imprisonment in the first degree as prohibited in § 5-11-103;

(21) Permanent detention or restraint as prohibited in § 5-11-106;

(22) Permitting child abuse as prohibited in subdivisions (a) (1) and (a) (3) of § 5-27-221;

(23) Negligent homicide as prohibited by § 5-10-105;

(24) Assault in the first degree as prohibited by § 5-13-205;

(25) Coercion as prohibited by § 5-13-208;

(26) Sexual misconduct as prohibited by § 5-14-107;

(27) Public sexual indecency as prohibited by § 5-14-111;

(28) Indecent exposure as prohibited by § 5-14-112; and

(29) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-204.

(2) Provided, however, that the board of directors of a local school district is authorized to offer provisional employment to an applicant pending receipt of eligibility information from the Department of Education.

(c) (1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to this act shall not be available for examination except by the affected applicant for employment or his duly authorized representative, and no record, file, or document shall be removed from

the custody of the department.

(2) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established herein shall not extend to any document created for purposes other than this background check.

(d) As used in this act, "noncertified staff position" means any job that does not require the person to hold a license issued by the State Board of Education and is either a full-time job, a full-time/part-time job, or is a job as a substitute teacher for thirty (30) days or more during a school year.";

AND

by appropriately renumbering subsequent sections of the bill;

AND

by inserting on line 34 of page 10 between the words "certified" and "personnel" the words "and noncertified".