

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/27/13  
**A Bill**

SENATE BILL 1053

By: Senator Elliott

By: Representatives Murdock, Love, H. Wilkins, *Hodges*

### **For An Act To Be Entitled**

AN ACT TO PROHIBIT CERTAIN INQUIRIES INTO A PERSON'S  
BACKGROUND ON AN APPLICATION FOR PUBLIC EMPLOYMENT;  
AND FOR OTHER PURPOSES.

### **Subtitle**

TO PROHIBIT CERTAIN INQUIRIES INTO A  
PERSON'S BACKGROUND ON AN APPLICATION FOR  
PUBLIC EMPLOYMENT.

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

SECTION 1. Arkansas Code Title 21, Chapter 1, Subchapter 1, is amended to add a new section to read as follows:

21-1-106. Prohibited inquiries into a person's background on a public employment application.

(a) As used in this section, "public employer" means any governmental entity or any private entity that contracts with the state or receives state funds.

(b)(1) A public employer shall not inquire into or consider the criminal record or criminal history of an applicant for public employment prior to the applicant's completion of the interview by the public employer.

(2) A public employee shall not include in the application process any inquiry, neither written nor verbal, about an applicant's criminal record or criminal history.

(3) If a state agency or public employer incurs costs to interview an applicant who lives out of state, the state agency may conduct a



criminal background check prior to the interview.

(c) This section does not apply to the Department of Correction, the Department of Community Correction, the Department of Arkansas State Police, or to public employers that have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.

(d) This section does not prohibit a public employer from notifying applicants that the law or the public employer's policy will disqualify an individual with a particular criminal history background from employment in a particular position.

SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended to add a new section to read as follows:

25-1-121. Reporting of public employment consideration for ex-offenders.

(a) No fewer than forty-five (45) days after the close of the fiscal year, each public employer shall report to the Office of Personnel Management the number of ex-offenders who were hired and the number of ex-offender finalists who were interviewed but not hired.

(b) The Office of Personnel Management shall notify agencies of the form in which it wants the reports and shall submit a composite report to the Joint Legislative Council and Joint Committee on State Agencies by October 15 of each year.

*/s/Elliott*