

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1615

By: Representative Love

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING CRIMINAL BACKGROUND CHECK EXEMPTIONS APPLICABLE TO A VARIETY OF HEALTHCARE SERVICE PROVIDERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING CRIMINAL BACKGROUND CHECK EXEMPTIONS APPLICABLE TO A VARIETY OF HEALTHCARE SERVICE PROVIDERS.

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

SECTION 1. Arkansas Code § 20-38-105(d)(3), concerning disqualification from employment with a service provider, is amended to add an additional subdivision to read as follows:

(3) This section does not disqualify a person from employment with a service provider if:

(A) The conviction or plea of guilty or nolo contendere was for any of the nonviolent offenses listed below:

- (i) Theft by receiving, § 5-36-106;
- (ii) Forgery, § 5-37-201;
- (iii) Financial identity fraud, § 5-37-227;
- (iv) Resisting arrest, § 5-54-103;
- (v) Criminal impersonation in the second degree, § 5-37-208(b);
- (vi) Interference with visitation, § 5-26-501;
- (vii) Interference with court-ordered custody, § 5-



26-502;

(viii) Prostitution, § 5-70-102; ~~and~~

(ix) Patronizing a prostitute, § 5-70-103; and

(x) A nonviolent offense under the Uniform

Controlled Substances Act, § 5-64-101 et seq.;

(B) The service provider wants to employ the person;

(C) The person remains in employment with the same service provider;

(D) The person has completed probation or parole supervision, paid all court ordered fees or fines, including restitution, and fully complied with all court orders pertaining to the conviction or plea;

(E) The person will be employed by:

(i) A long-term care facility licensed by the Office of Long-Term Care;

(ii) An intermediate care or other facility, developmental day treatment clinic services provider, or group home licensed or certified by the Division of Developmental Disabilities Services; or

(iii) A child care facility or a church-exempt child care facility licensed by the Division of Child Care and Early Childhood Education;

(F) Subsequent to employment, the person does not plead guilty or nolo contendere to or is found guilty of any offense in subsection (b) of this section; and

(G) The person does not have a true or founded report of child maltreatment or adult maltreatment in a central registry.