

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/10/15 H3/13/15
A Bill

HOUSE BILL 1618

By: Representative Copeland

For An Act To Be Entitled

AN ACT TO LIMIT THE USE OF CRIMINAL RECORDS CHECKS INFORMATION; TO INCREASE OPPORTUNITIES FOR EMPLOYMENT FOR PERSONS WITH CRIMINAL RECORDS; AND FOR OTHER PURPOSES.

Subtitle

TO LIMIT THE USE OF CRIMINAL RECORDS CHECKS INFORMATION; AND TO INCREASE OPPORTUNITIES FOR EMPLOYMENT FOR PERSONS WITH CRIMINAL RECORDS.

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

SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 2, is amended to add an additional section to read as follows:

11-3-206. Criminal background checks.

(a) An employer shall not conduct or obtain a criminal background check for an applicant for employment until the applicant becomes the finalist or one (1) of the finalists for a position or the employer has extended a conditional offer of employment to the applicant.

(b)(1)(A) If the applicant becomes the finalist or one (1) of the finalists for a position or an employer offers an applicant a position of employment, the employer may inquire into and consider a criminal conviction or arrest.

(B) However, with respect to an arrest, the employer shall make an inquiry into whether the conduct underlying the arrest makes the applicant unfit for the position.



(2) An applicant shall not be excluded from employment based solely on the fact of an arrest.

(c) An employer shall not withhold or withdraw an offer of employment based on an offense that bears no rational relationship to the duties and responsibilities of the position.

(d) Before deciding whether to withhold or withdraw an offer of employment based on an applicant's criminal record, the employer shall consider the following:

(1) The nature of the applicant's offense, including without limitation whether the offense is categorized as a felony or misdemeanor;

(2) Information pertaining to the degree of rehabilitation and good conduct of the applicant, including information produced by the applicant or produced on his or her behalf;

(3) Whether the prospective job provides an opportunity for the commission of a similar offense or the offense is otherwise relevant to the job duties of the position;

(4) Whether the circumstances leading to the offense are likely to reoccur; and

(5) The length of time that has elapsed since the offense.

(e) The employer may require that supplemental information provided by or for the applicant be submitted on a timely basis to avoid delay in the hiring process.

(f) The employer may consider whether an applicant has truthfully disclosed criminal history information if the applicant's criminal history is requested during the application process.

(g) This section does not apply to a criminal background check

/s/Copeland