

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1373

By: Representative Della Rosa

## For An Act To Be Entitled

AN ACT CONCERNING CRIMINAL HISTORY AND CRIMINAL BACKGROUND CHECKS; CONCERNING THE RESULTS OF A CRIMINAL HISTORY OR CRIMINAL BACKGROUND CHECK; CONCERNING A PERSON'S APPLICATION FOR EMPLOYMENT, LICENSURE, COMMISSION, OR CREDENTIAL WITH A PUBLIC OR PRIVATE ENTITY; CONCERNING THE EFFECT OF A LAWFUL SEALING OF A PERSON'S PREVIOUS CRIMINAL HISTORY AND CRIMINAL BACKGROUND; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING CRIMINAL HISTORY AND CRIMINAL BACKGROUND CHECKS; AND CONCERNING THE RESULTS OF A CRIMINAL HISTORY OR CRIMINAL BACKGROUND CHECK WHEN A PERSON HAS A LAWFULLY SEALED CRIMINAL HISTORY OR BACKGROUND.

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

SECTION 1. Arkansas Code § 6-17-410(a), concerning the application process for teacher licensure, is amended to read as follows:

(a)(1)(A)(i) An applicant for a license issued by the State Board of Education, an applicant for license renewal, and a preservice teacher shall apply to the Identification Bureau of the Department of Arkansas State Police for a statewide and nationwide criminal records check of any criminal history that has not been sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged



under prior law, to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(ii) The criminal records check shall conform to the applicable federal standards and shall include the taking of fingerprints as required under § 6-17-417.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

(iv) An institution of higher education is not required to bar a student from enrollment in an educator preparation program due to a disqualifying offense.

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible 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 releasable information obtained concerning the applicant to the Department of Education.

(3)(A) An applicant for a license issued by the state board, an applicant for license renewal, and a preservice teacher are required to request through the Department of Education a Child Maltreatment Central Registry check to be conducted by the Department of Human Services.

(B) The applicant shall sign a release of information to the Department of Education and is responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The Department of Human Services shall forward all releasable information concerning the applicant to the Department of Education upon completion of the Child Maltreatment Central Registry check.

(D) An institution of higher education is not required to bar a student from enrollment in an educator preparation program due to a true report in the Child Maltreatment Central Registry.

SECTION 2. Arkansas Code § 6-17-410(c), concerning teacher license issuance or renewal, is amended to read as follows:

(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of

any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has 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, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 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 as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or 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;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Sexual indecency with a child as prohibited in § 5-14-110;
- (15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (16) Pandering or possessing visual or print ~~medium~~ media depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (17) False imprisonment in the first degree as prohibited in §

5-11-103;

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

(19) Permitting abuse of a child as prohibited in § 5-27-221(a);

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

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

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

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

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

(25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;

(26) 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;

(27) Computer child pornography as prohibited in § 5-27-603;

(28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;

(29) Felony theft as prohibited in §§ 5-36-103 – 5-36-106 and 5-36-202;

(30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;

(31) Breaking or entering as prohibited by § 5-39-202;

(32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;

(33) Forgery as prohibited by § 5-37-201;

(34) Video voyeurism as prohibited by § 5-16-101;

(35) Domestic battering in the first degree as prohibited by § 5-26-303;

(36) Domestic battering in the second degree as prohibited by § 5-26-304;

(37) Felony violation of an order of protection as prohibited by § 5-53-134;

(38) Prostitution as prohibited by § 5-70-102;

(39) Sexual solicitation as prohibited by § 5-70-103;

(40) Promoting prostitution in the first degree as prohibited by § 5-70-104;

(41) Promoting prostitution in the second degree as prohibited

by § 5-70-105;

(42) Stalking as prohibited by § 5-71-229;

(43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;

(44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another;

(45) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;

(46) Sexual extortion, § 5-14-113; and

(47) Failure to comply with the registration and reporting requirements of § 12-12-904.

SECTION 3. Arkansas Code § 6-17-410(d), concerning definitions used in the application process for teacher licensure, is amended to read as follows:

(d)(1) ~~For the purposes of~~ As used in this subsection:

(A) "Cause" means any of the following:

(i) Holding a license obtained by fraudulent means;

(ii) Revocation of a license in another state;

(iii) Intentionally compromising the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;

(iv) Having the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Department of Education by the testing company;

~~(v) Having a sealed, an expunged, or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense in subsection (c) of this section;~~

~~(vi)~~(v) Being subject to the provisions of § 12-12-905;

~~(vii)~~(vi) Failing to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules for teacher licensure;

~~(viii)~~(vii) Knowingly submitting or providing false or misleading information or knowingly failing to submit or provide information requested or required by law to the Department of Education, the

state board, or Arkansas Legislative Audit;

~~(ix)~~(viii) Knowingly falsifying or directing another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period; or

~~(x)~~(ix) Having a true report in the Child Maltreatment Central Registry; and

(B) "Child" means a person under twenty-one (21) years of age or enrolled in the public schools of the State of Arkansas.

(2) For cause as stated in this subsection, the state board ~~is~~ authorized to may:

(A) Revoke a license permanently;

(B) Suspend a license for a terminable period of time or indefinitely; or

(C) Place a person on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed.

SECTION 4. Arkansas Code § 6-17-410(g), concerning a superintendent's duties in regards to employees of the school, is amended to read as follows:

(g)(1) The superintendent of each school district or open-enrollment public charter school shall report to the state board the name of any person holding a license issued by the state board and currently employed or employed during the two (2) previous school years by the school district or open-enrollment public charter school who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (c) of this section, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law;

(B) Holds a license obtained by fraudulent means;

(C) Has had a similar license revoked in another state;

(D) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(E) Has knowingly submitted falsified information or

failed to submit information requested or required by law to the Department of Education, the state board, or Arkansas Legislative Audit;

(F) Has failed to establish or maintain the necessary requirements and standards set forth in Arkansas law or Department of Education rules for teacher licensure; or

(G) Has a true report in the Child Maltreatment Central Registry.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

SECTION 5. Arkansas Code § 6-17-411(a) and (b), concerning criminal records checks as a condition of educator employment, are amended to read as follows:

(a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section, the board of directors of an educational entity shall require as a condition for initial employment by the educational entity that ~~any~~ a person holding a license issued by the State Board of Education and making application for employment authorize release to the Department of Education the results of:

(i) Statewide and nationwide criminal records checks by the Identification Bureau of the Department of Arkansas State Police ~~which conform~~ of any criminal history that has not been sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law, that conform to the applicable federal standards and include the taking of the applicant's fingerprints; and

(ii) The Child Maltreatment Central Registry check by the Department of Human Services.

(B)(i) The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivision (a)(1)(A) of this section for personnel who were employed by an affected district immediately before the annexation, consolidation, or detachment and who had a complete criminal ~~background~~ records check conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in subdivision (a)(1)(B)(i) of this

section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal ~~background records~~ records checks or the Child Maltreatment Central Registry checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records ~~check~~ checks and the Child Maltreatment Central Registry check.

(3) At the conclusion of the criminal records ~~check~~ checks required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(4)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

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

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than ~~this background check~~ the criminal records checks or the Child Maltreatment Central Registry check.

(5) The Department of Education shall promptly inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided by subsection (b) of this section.

(b)(1)(A) ~~No~~ A person holding a license from the state board ~~shall be~~ is not eligible for employment by an educational entity if the results of the criminal records ~~check~~ checks released to the Department of Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to or has been found guilty of ~~any~~ an offense that will or may result in license revocation by the state board under § 6-17-410, unless:

(i) the ~~The~~ state board waives revocation; or

(ii) The conviction was lawfully sealed under the

Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(B) ~~No~~ A person holding a license issued by the state board ~~shall be~~ is not eligible for employment by an educational entity if the results of the Child Maltreatment Central Registry check released to the Department of Education reveal that the applicant has a true report in the Child Maltreatment Central Registry, unless the state board waives revocation under § 6-17-410.

(2) However, the board of directors of an educational entity ~~is~~ is authorized to may offer provisional employment to the affected applicant pending notification from the Department of Education that the:

(A) Applicant is eligible for employment based on the ~~background checks~~ criminal records checks and the Child Maltreatment Central Registry check; or

(B) State board has waived the disqualifying offense or placement on the Child Maltreatment Central Registry.

SECTION 6. Arkansas Code § 6-17-414(a) and (b), concerning criminal records checks as a condition for initial employment of nonlicensed personnel at a school, are amended to read as follows:

(a)(1)(A)(i) Except as provided in subdivision (a)(1)(C) of this section, the board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment in a nonlicensed staff position any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks of any criminal history that has not been sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law, the latter to be conducted by the Federal Bureau of Investigation.

(ii) The criminal records checks shall conform to the applicable federal standards and shall include the taking of fingerprints as required under § 6-17-417.

(iii) The Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation may maintain these fingerprints in the automated fingerprint identification system.

(B)(i) The person shall sign a release of information to

the Department of Education.

(ii) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal ~~background~~ records checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records checks.

(C)(i) The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (B) of this section for personnel who were employed by an affected district immediately before the annexation, consolidation, or detachment and who had complete criminal ~~background~~ records checks conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in subdivision (a)(1)(C)(i) of this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2)(A) Upon completion of the criminal records ~~check~~ checks, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the person to the Department of Education, which shall promptly inform the board of directors of the educational entity whether or not the applicant is eligible for employment as provided by subsection (b) of this section.

(B) An expunged, sealed, or pardoned conviction shall not disqualify a person under this section ~~if the conviction is:~~

~~(i) Ten (10) or more years old; and~~

~~(ii) Does not involve the physical or sexual injury, mistreatment, or abuse of another.~~

(3)(A) The board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment of all nonlicensed personnel a Child Maltreatment Central Registry check by the Department of Human Services.

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The Department of Human Services shall forward all releasable information concerning the applicant to the Department of

Education upon completion of the Child Maltreatment Central Registry check.

(b) ~~No~~ A person, including without limitation ~~nonlicensed persons who provide a nonlicensed person who provides~~ services as a substitute teacher, ~~shall be~~ is not eligible for employment, whether initial employment, reemployment, or continued employment, by an educational entity in a nonlicensed staff position if that person has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has 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, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 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 as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or 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;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) 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;

- (15) Sexual indecency with a child as prohibited in § 5-14-110;
- (16) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (17) Pandering or possessing visual or print ~~medium~~ media depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (18) False imprisonment in the first degree as prohibited in § 5-11-103;
- (19) Permanent detention or restraint as prohibited in § 5-11-106;
- (20) Permitting abuse of a child as prohibited in § 5-27-221(a);
- (21) Negligent homicide as prohibited by § 5-10-105(a);
- (22) Assault in the first degree as prohibited by § 5-13-205;
- (23) Coercion as prohibited by § 5-13-208;
- (24) Public sexual indecency as prohibited by § 5-14-111;
- (25) Indecent exposure as prohibited by § 5-14-112;
- (26) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (27) Computer child pornography as prohibited in § 5-27-603;
- (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (29) Felony theft as prohibited in §§ 5-36-103 – 5-36-106 and 5-36-202;
- (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (31) Breaking or entering as prohibited by § 5-39-202;
- (32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (33) Forgery as prohibited by § 5-37-201;
- (34) Video voyeurism as prohibited by § 5-16-101;
- (35) Domestic battering in the first degree as prohibited by § 5-26-303;
- (36) Domestic battering in the second degree as prohibited by § 5-26-304;
- (37) Felony violation of an order of protection as prohibited by § 5-53-134;

- (38) Prostitution as prohibited by § 5-70-102;
- (39) Sexual solicitation as prohibited by § 5-70-103;
- (40) Promoting prostitution in the first degree as prohibited by § 5-70-104;
- (41) Promoting prostitution in the second degree as prohibited by § 5-70-105;
- (42) Stalking as prohibited by § 5-71-229;
- (43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;
- (44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another;
- (45) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
- (46) Sexual extortion, § 5-14-113; and
- (47) Failure to comply with the registration and reporting requirements of § 12-12-904.

SECTION 7. Arkansas Code § 6-17-414(e), concerning criminal records checks as a condition for initial employment of nonlicensed personnel at a school, is amended to read as follows:

(e) The State Board of Education shall determine that an applicant for employment with an educational entity in a nonlicensed staff position is ineligible for employment if the applicant:

- (1) Is required to pass an examination as a requirement of his or her position and the applicant's completed examination test score was declared invalid because of the applicant's improper conduct;
- ~~(2) Has a sealed, an expunged, or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense listed in subsection (b) of this section;~~
- ~~(3)~~(2) Is subject to the provisions of § 12-12-905;
- ~~(4)~~(3) Knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law to the Department of Education, the state board, or Arkansas Legislative Audit;
- ~~(5)~~(4) Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual

assignment or examination or at the conclusion of a regular grading period;  
or

~~(6)~~(5) Has a true report in the Child Maltreatment Central Registry.

SECTION 8. Arkansas Code § 6-17-414(f), concerning criminal offenses and other acts committed by nonlicensed personnel at a school, is amended to read as follows:

(f)(1) The superintendent or director of an educational entity or a ~~third-party~~ third-party vendor shall report to the state board the name of any person currently employed by the educational entity who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (b) of this section, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law;

(B) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(C) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or Arkansas Legislative Audit; or

(D) Has a true report in the Child Maltreatment Central Registry.

(2) The failure of a superintendent or director to report information as required by this subsection may result in sanctions imposed by the state board.

SECTION 9. Arkansas Code § 6-17-421(b) and (c), concerning the criminal records check for fraudulent acts by a fiscal officer of an educational entity, are amended to read as follows:

(b)(1)(A) Upon making application for employment in a position as a fiscal officer of an educational entity, the board of directors of the educational entity shall require the employment applicant to authorize release to the Department of Education the results of statewide and nationwide criminal records checks by the Identification Bureau of the

Department of Arkansas State Police of any criminal history that has not been sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(B) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal ~~background~~ records checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records ~~check~~ checks.

(2)(A) The criminal ~~background-check~~ records checks shall conform to the applicable federal standards and include the taking of the employment applicant's or currently employed fiscal officer's fingerprints.

(B) At the conclusion of the criminal records ~~check~~ checks required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(3)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(B) Any information made available to the affected employment applicant or fiscal officer shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than the ~~background-check~~ criminal records checks.

(4) The Department of Education shall promptly inform the board of directors of the educational entity whether or not the affected employment applicant is eligible for employment as provided in this subsection.

(c)(1) ~~No~~ A person shall be is not eligible for employment as a fiscal officer by an educational entity if the results of the criminal records ~~check~~ checks released to the Department of Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act ~~but, unless the conviction was lawfully sealed~~ under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et

seq., or otherwise previously sealed or expunged under prior law, and only after an opportunity for a hearing before the State Board of Education upon reasonable notice in writing.

(2) However, the board of directors of an educational entity ~~is authorized to~~ may offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education.

SECTION 10. Arkansas Code § 7-9-601(b), concerning background checks of paid canvassers, is amended to read as follows:

(b)(1) To verify that there are no criminal offenses on record, a sponsor shall obtain, at its cost, from the Department of Arkansas State Police, a current state and federal criminal record search of any convictions that were not lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law on every paid canvasser to be registered with the Secretary of State.

(2) The criminal record search shall be obtained within thirty (30) days before the date that the paid canvasser begins collecting signatures.

(3) Upon submission of its list of paid canvassers to the Secretary of State, the sponsor shall certify to the Secretary of State that each paid canvasser in its employ has passed a criminal background check in accordance with this section.

(4) A willful violation of this section by a sponsor or paid canvasser constitutes a Class A misdemeanor.

(5) Signatures incorrectly obtained or submitted under this section shall not be counted by the Secretary of State.

SECTION 11. Arkansas Code § 9-28-402(17), concerning the definition of "provisional foster home" under the Child Welfare Agency Licensing Act, is amended to read as follows:

(17) "Provisional foster home" means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:

(A) Determines that placement with the proposed fictive kin or relative is in the best interest of the child;

(B) Conducts a health and safety check, including a ~~central registry~~ Child Maltreatment Central Registry check and a criminal background check of any convictions that were not lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law, or a check with local law enforcement, of the relative's home or home of the fictive kin; and

(C) Performs a visual inspection of the home of the relative or fictive kin to verify that the relative or fictive kin and the home will meet the standards for opening a regular foster home;

SECTION 12. Arkansas Code § 11-11-225(14), concerning miscellaneous restrictions and requirements for private employment agencies, is amended to read as follows:

(14) Any information regarding an applicant's background or credit, from whatever source obtained, shall be used for no purpose other than assisting the applicant in securing employment. However, an employment agency may use background and credit information, excluding criminal history background that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law, regarding an applicant in determining whether to conduct placement services for the applicant if the applicant gives written authorization for securing the information and understands the purpose for which the information is secured;

SECTION 13. Arkansas Code § 12-9-106(b), concerning the requirements for certified law enforcement officers, is amended to read as follows:

(b)(1) In addition to the requirements of subsection (a) of this section and § 12-9-104(7), the commission, by rules and regulations, shall fix such other qualifications as it deems necessary.

(2) However, ~~no~~ a person who pleads or is found guilty of a felony ~~shall be~~ is not eligible to be appointed or certified as a law enforcement officer, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 14. Arkansas Code § 12-10-306 is amended to read as follows:  
12-10-306. Public safety communications personnel.

(a) The staff and supervisors of the 911 public safety communications center and systems shall be:

(1) Paid employees, either sworn officers or civilians, of the operating agency designated by the chief executive of the political subdivisions. Personnel other than law enforcement or fire officers will be considered public safety officers for the purposes of public safety communications;

(2) Required to submit to employment background investigations, but not a criminal history background for convictions that were lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law, for security clearances prior to accessing files available through the Arkansas Crime Information Center if the center is charged with information service functions for criminal justice agencies of the political subdivision;

(3) Trained in operation of 911 system equipment and other training as necessary to operate a 911 public safety communications center;

(4) Subject to the authority of the chief executive through their agency; and

(5)(A) Required to immediately release without the consent or approval of any supervisor or other entity any information in their custody or control to a prosecuting attorney if requested by a subpoena issued by a prosecutor, grand jury, or any court for use in the prosecution or the investigation of any criminal or suspected criminal activity.

(B) The staff or supervisor of a 911 public safety communications center, an operating agency, and the service supplier are not liable in any civil action as a result of complying with a subpoena as required in subdivision (a)(5)(A) of this section.

(b)(1) In order to attract and retain professional communications personnel to supervise and operate 911 public safety communications centers and systems, staffing plans are recommended to be based on the level of service, population of the service area, and other duties of the center.

(2) Compensatory and retirement plans and levels of supervision for 911 public safety communications centers employing personnel who are not

sworn law enforcement personnel or firefighters are recommended to be comparable to public safety officers of similar levels of responsibility of the political subdivision.

SECTION 15. Arkansas Code § 12-12-1502 is amended to read as follows:  
12-12-1502. Intent.

(a) It is the intent of this subchapter to:

(1) Provide one (1) source for obtaining the most accurate and complete criminal history information;

(2)(A) Allow dissemination of criminal history information to employers, professional licensing boards, and any entity mandated by Arkansas law to perform background checks through the Department of Arkansas State Police pertaining to all felony arrest information and all conviction information, unless the dissemination is otherwise prohibited by law.

(B) A person's criminal history information that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law shall not be disseminated to a requestor who is requesting the criminal history information for employment or licensing purposes;

(3) With the written consent of the student or prospective student, allow electronic dissemination of criminal history information to an institution of higher education for a student enrolled in, and a prospective student seeking enrollment in, a medical, nursing, pharmacy, or other health-related course of study at an institution of higher education located in Arkansas;

(4) Allow dissemination of criminal history information to the Arkansas Public Defender Commission for use in defense of criminal defendants. Expunged and sealed criminal history information shall be released to the commission only for the purposes of use for impeachment of witnesses; and

(5) Allow dissemination of criminal history information to the public upon proper request and payment without requiring the written consent of the subject of the request.

(b)(1) The department shall be the agency responsible for the dissemination of criminal history information under this subchapter.

(2) The Arkansas Crime Information Center may disseminate

criminal history information as authorized by law.

(c) Felony arrest information that has had a disposition of acquittal, dismissal, or nolle prosequi entered into the central repository shall not be released under this subchapter.

SECTION 16. Arkansas Code § 12-12-1504 is amended to read as follows:  
12-12-1504. Information required – Exceptions.

(a) The Department of Arkansas State Police and the Arkansas Crime Information Center shall disseminate criminal history information pertaining to any felony arrest, detention, indictment, information, or other formal felony criminal charge to the extent entries have been made at the time of the request for the criminal history information, unless the requestor is requesting the criminal history information for employment or licensing purposes, in which case the department and the center shall not disseminate any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(b) Any event, activity, or any portion of the criminal history information which has not been processed by the department or the center shall not be required to be included in the dissemination.

(c) Requests for information, supporting documents, and any responses under this subchapter are not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(d) This subchapter shall not affect any record or information that may be accessed by the public under the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 17. Arkansas Code § 15-5-214 is amended to read as follows:  
15-5-214. Criminal background check.

(a) The Arkansas Development Finance Authority may require a state and federal criminal background check, which shall conform to the applicable federal standards and shall include the taking of fingerprints of an:

(1) Applicant of a program administered by the authority, including individual members of an entity that may participate in a program administered by the authority;

(2) Applicant for employment with the authority; or

(3) Employee of the authority.

(b) The criminal background check shall be performed through the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation but shall not contain any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(c) Prior to a criminal background check, the applicant or employee shall sign a release authorizing the background check.

(d) The results of the background check shall be used by the authority to determine the fitness or suitability of:

(1) The applicant for participation in an authority program or for employment with the authority; or

(2) An employee for continued employment with the authority.

(e) The authority shall treat the criminal background information of an applicant or employee as confidential.

(f) A criminal background check obtained under this section shall be destroyed by the authority within six (6) months of the receipt of the background check.

(g) The authority shall promulgate rules for the requesting and use of criminal background checks under this section.

SECTION 18. Arkansas Code § 16-90-1416 is amended to read as follows:  
16-90-1416. Release of sealed records.

(a) The custodian of a sealed record shall not disclose the existence of the sealed record or release the sealed record except when requested by:

(1) The person whose record was sealed or the person's attorney when authorized in writing by the person;

~~(2) A criminal justice agency, as defined in § 12-12-1001, and the request is accompanied by a statement that the request is being made in conjunction with:~~

~~(A) An application for employment with the criminal justice agency by the person whose record has been sealed; or~~

~~(B) A criminal background check under the Polygraph Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, §~~

~~17-40-101 et seq.;~~

~~(3)~~(2) A court, upon a showing of:

(A) A subsequent adjudication of guilt of the person whose record has been sealed; or

(B) Another good reason shown to be in the interests of justice;

~~(4)~~(3) A prosecuting attorney, and the request is accompanied by a statement that the request is being made for a criminal justice purpose;

~~(5) A state agency or board engaged in the licensing of healthcare professionals; or~~

~~(6)~~(4) The Arkansas Crime Information Center.

(b)(1) As used in this section, "custodian" does not mean the Arkansas Crime Information Center.

(2) Access to data maintained by the center shall be governed by § 12-12-1001 et seq.

SECTION 19. Arkansas Code § 16-90-1417(b), concerning the effect of sealing a person's prior criminal history, is amended to read as follows:

(b)(1) Upon the entry of the uniform order, the person's underlying conduct shall be deemed as a matter of law never to have occurred, and the person may state that the underlying conduct did not occur and that a record of the person that was sealed does not exist.

(2) This subchapter does not prevent the use of the record of a prior conviction otherwise sealed under this subchapter for the following purposes:

(A) A criminal proceeding for any purpose not otherwise prohibited by law;

(B) Determination of offender status under the former § 5-64-413;

(C) Habitual offender status, § 5-4-501 et seq.;

(D) Impeachment upon cross-examination as dictated by the Arkansas Rules of Evidence;

~~(E) Healthcare professional licensure by a state agency or board; or~~

~~(F)~~(E) Any disclosure mandated by Rule 17, 18, or 19 of the Arkansas Rules of Criminal Procedure.

SECTION 20. Arkansas Code § 17-12-303(b), concerning criminal background checks for the Arkansas State Board of Public Accountancy, is amended to read as follows:

(b) The criminal background checks shall conform to the applicable federal standards and shall include the taking of fingerprints but shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 21. Arkansas Code § 17-14-405(c), concerning the requirements of an initial or renewal certificate under the Appraisal Management Company Registration Act, is amended to read as follows:

(c) The board shall issue an initial or a renewal certificate of registration to an applicant authorizing the applicant to act or offer to act as an appraisal management company in this state upon:

- (1) Receipt of a properly completed application;
- (2) Payment of the required fee;
- (3) Posting of a bond; and

(4)(A) Determination by the board that the activities of the applicant will be directed and conducted by persons of good moral character.

(B) The determination of the board under subdivision (c)(4)(A) of this section shall consider the results of all fingerprint-based criminal history reports, but a criminal history report shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 22. Arkansas Code § 17-17-312(a), concerning a criminal background check to become a licensed auctioneer, is amended to read as follows:

(a)(1) ~~Beginning July 16, 2003, each~~ A first-time applicant for a license issued by the Auctioneer's Licensing Board and each applicant seeking reinstatement of an expired license from the board shall ~~be required to~~ apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Federal

Bureau of Investigation.

(2) The criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 23. Arkansas Code § 17-27-313(a), concerning the criminal background check required to become a licensed counselor, is amended to read as follows:

(a)(1) The Arkansas Board of Examiners in Counseling may require each applicant for license renewal and each first-time applicant for a license issued by the board to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(2) The criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 24. Arkansas Code § 17-39-212(b), concerning criminal background checks conducted by the Department of Arkansas State Police for a potential polygraph examiner or intern polygraph examiner, is amended to read as follows:

(b) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints but shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 25. Arkansas Code § 17-39-309(b), concerning criminal background checks conducted by the Department of Arkansas State Police for a potential voice stress analysis examiner, is amended to read as follows:

(b) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints but shall not include any record of a conviction that was

lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 26. Arkansas Code § 17-40-307(e), concerning the criminal background check required for a license or credential other than that for a commissioned security officer or commissioned school security officer, is amended to read as follows:

(e)(1)(A) Each first-time applicant and applicant for license or credential renewal shall apply to the Department of Arkansas State Police for a state and national criminal background check to be conducted by the department and the Federal Bureau of Investigation.

(B) Criminal history records from the Arkansas Crime Information Center shall be available to the director for the review of applicant qualification.

(2) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints as required in subdivision (a)(6) of this section but shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(3) The applicant shall sign a release of information to the director and shall be responsible for the payment of any fee associated with the state and national criminal background check.

(4) Upon completion of the state and national criminal background check, the department shall forward to the director all releasable information obtained concerning the applicant.

SECTION 27. Arkansas Code § 17-40-337(a)(6), concerning the criminal background check required for a commission to be a commissioned security officer or a commissioned school security officer, is amended to read as follows:

(6)(A) Has not successfully completed a state and national criminal background check to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(B) Criminal history records from the Arkansas Crime

Information Center shall be available to the director for review of the applicant's qualifications.

(C) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints but shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(D) The individual applicant shall sign a release of information to the director and shall make payment of any fee associated with the state and national criminal background check;

SECTION 28. Arkansas Code § 17-42-306(a), concerning a criminal background check for licensure by the Arkansas Real Estate Commission, is amended to read as follows:

(a)(1) Applications for licensure shall be submitted on forms provided by the Arkansas Real Estate Commission.

(2) The commission may require any information and documentation needed to determine if the applicant meets the criteria for licensure as provided in this chapter.

(3) Each applicant shall pay an application fee and examination fee as the commission may require under § 17-42-304.

(4)(A)(i) Applicants that have provided all required information and documentation to the commission may sit for the licensing examination, if a request has been sent to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check.

(ii) The state and federal criminal background check required under subdivision (a)(4)(A)(i) of this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(B) A real estate license shall not be issued until the applicant has successfully completed the licensing examination and the commission receives and approves the state and federal criminal background check.

SECTION 29. Arkansas Code § 17-42-315(a), concerning a criminal background check for licensure by the Arkansas Real Estate Commission, is amended to read as follows:

(a)(1)(A) The Arkansas Real Estate Commission may require each original applicant for a license issued by the commission to apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(B) The state and federal criminal background check required under subdivision (a)(1)(A) of this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2)(A) An applicant may sit for the licensing examination required by § 17-42-302(a)(4) while awaiting the results of a background check prescribed by this section.

(B) A license shall not be issued to an applicant until the commission receives and approves the state and federal criminal background ~~checks~~ check.

SECTION 30. Arkansas Code § 17-80-119 is amended to read as follows:  
17-80-119. Medical education background checks.

(a)(1) Upon application to a medical education program or school, the applicant shall undergo a state and federal criminal background check.

(2) The state and federal criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(b) The student shall be responsible for payment for a state and federal criminal background check.

(c) A medical program or school shall establish criteria by which the passage of the criminal background check is determined based upon the medical profession criteria for licensure.

SECTION 31. Arkansas Code § 17-81-318(a), concerning criminal background checks for licensure to be a chiropractor, is amended to read as follows:

(a)(1)(A) Each applicant for a license issued by the Arkansas State Board of Chiropractic Examiners is required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(B) The state and federal criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2) A license shall not be issued to an applicant until the board receives and approves the state and federal criminal background check.

SECTION 32. Arkansas Code § 17-82-302(9)(C), concerning an applicant seeking a temporary charitable dental license, is amended to read as follows:

(C)(i) An applicant seeking a temporary charitable dental license issued by the board shall provide written authorization to the board to allow the Department of Arkansas State Police to release the results of state and federal criminal history background checks to the board as required under § 17-82-801 et seq.

(ii) An applicant shall pay the fees associated with the criminal background checks.

(iii) A criminal background check required under this subdivision (9)(C) shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 33. Arkansas Code § 17-82-801(b), concerning criminal background checks to become a licensed dentist, dental hygienist, or dental assistant, is amended to read as follows:

(b)(1) The Identification Bureau of the Department of Arkansas State Police shall perform the state criminal background check.

(2) A background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

~~(2)~~(3) The federal background check shall be requested from the Federal Bureau of Investigation and shall include the taking of fingerprints of the applicant.

SECTION 34. Arkansas Code § 17-86-104 is amended to read as follows:  
17-86-104. Criminal background checks.

(a) An applicant applying as a new massage therapy licensee, an individual applying for a new massage therapy school license, or a licensee applying for an upgrade issued by the Department of Health shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau and the Federal Bureau of Investigation.

(b) The state and federal criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 35. Arkansas Code § 17-87-312(a), concerning the criminal background check required for a nursing license, is amended to read as follows:

(a)(1)(A) Each first-time applicant for a license issued by the Arkansas State Board of Nursing shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.

(B) The criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2) At the time a person applies to an Arkansas nursing educational program, the program shall notify the applicant in writing of the provisions and requirements of this section.

SECTION 36. Arkansas Code § 17-92-317(a), concerning the criminal background check required for licensure or registration with the Arkansas State Board of Pharmacy, is amended to read as follows:

(a)(1)(A) Each applicant for a new intern or pharmacist license or a new or reinstated registration as a pharmacy technician issued by the Arkansas State Board of Pharmacy shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.

(B) The criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2) However, the board may authorize the criminal background check obtained for a license or registration to be used for a subsequent application for another new license or registration issued by the board for a designated time period after the date of the original license or registration.

SECTION 37. Arkansas Code § 17-95-306(a), concerning criminal background checks under the Arkansas Medical Practices Act, is amended to read as follows:

(a)(1) ~~Beginning July 1, 2005, every~~ A person applying for a license or renewal of a license issued by the Arkansas State Medical Board shall provide written authorization to the board to allow the Department of Arkansas State Police to release the results of a state and federal criminal history background check report to the board.

(2) The background checks required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

~~(2)(3)~~ (3) The applicant shall be responsible for payment of the fees associated with the background checks.

SECTION 38. Arkansas Code § 17-97-312(a), concerning the criminal background check required to be a licensed psychologist or psychological examiner, is amended to read as follows:

(a)(1) Each first-time applicant for a license issued by the Arkansas Psychology Board shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Federal Bureau of Investigation.

(2) The criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 39. Arkansas Code § 17-103-307(a), concerning the criminal background check required to be a licensed social worker, is amended to read as follows:

(a)(1) Each applicant for a license issued by the Arkansas Social Work Licensing Board is required to apply for a state and national criminal background check, to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(2) The criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 40. Arkansas Code § 19-3-705(b)(1), concerning background checks conducted by the State Board of Finance, is amended to read as follows:

(b)(1)(A) The board shall obtain a state and federal criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation for:

(i) Each employee listed in § 19-3-704(b) or § 19-3-704(c); and

(ii) An employee or prospective employee of the board or Treasurer of State who handles or will handle State Treasury funds or participates or will participate in making decisions or recommendations concerning the deposit or investment of State Treasury funds.

(B) The background check shall be obtained on or before:

(i) September 1, 2013, for an existing employee; and

(ii) The start of employment for a prospective employee.

(C) The background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 41. Arkansas Code § 20-13-1102 is amended to read as follows:

20-13-1102. Mandatory criminal history checks for emergency medical services personnel.

(a)(1) Any applicant applying for initial licensure shall complete a criminal history check form and shall request the Identification Bureau of the Department of Arkansas State Police to conduct a state or national criminal history check, or both, on the applicant.

(2) The applicant shall pay all appropriate fees for the state or national criminal history check, or both, as set forth by the bureau.

(3) The applicant shall attach the criminal history check form to the Arkansas emergency medical services personnel licensure application.

(4) A criminal history check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(b) The Division of Emergency Medical Services of the Department of Health shall conduct a state or national criminal history check, or both, on the applicant and determine whether the applicant is disqualified from licensure based on the report of the applicant's criminal history and forward its determination to the applicant directly.

SECTION 42. Arkansas Code § 20-13-1106(a), concerning disqualifying offenses for the Division of Emergency Medical Services of the Department of Health, is amended to read as follows:

(a)(1) Except as provided in subdivision (e)(1) of this section, the Division of ~~EMS and Trauma Systems~~ Emergency Medical Services of the Department of Health shall issue a determination that a person is disqualified from certification or recertification if the person has been found guilty of or has pleaded guilty or nolo contendere to any of the

offenses listed in subsection (b) of this section, ~~including offenses for which the record unless the offense has been expunged~~ lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

~~(2)(A) However, the Division of EMS and Trauma Systems~~ division shall forward a request for a waiver to the Director of the Department of Health on all applicants who have been convicted of the crimes listed in subsection (b) of this section if five (5) years have passed since the conviction, if five (5) years have passed since release from custodial confinement, or if the applicants are currently certified emergency medical technicians, prior to making the final determination on certification or recertification.

~~(B) These individuals will~~ An applicant listed in subdivision (a)(2)(A) of this section shall not be suspended prior to the director's making the final determination.

SECTION 43. Arkansas Code § 20-13-1106(e), concerning disqualifying offenses for the Division of Emergency Medical Services of the Department of Health, is amended to read as follows:

~~(e)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (b) of this section shall~~ is not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (e)(2) of this section if the conviction or plea of guilty or nolo contendere was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

~~(2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification:~~

- ~~(A) Capital murder as prohibited in § 5-10-101;~~
- ~~(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(C) Kidnapping as prohibited in § 5-11-102;~~
- ~~(D) Rape as prohibited in § 5-14-103;~~
- ~~(E) Sexual assault in the first degree as prohibited in §~~

~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~  
~~(F) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-206;~~  
~~(G) Incest as prohibited in § 5-26-202;~~  
~~(H) Arson as prohibited in § 5-38-301;~~  
~~(I) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~  
~~(J) Adult abuse that constitutes a felony as prohibited in § 5-28-103;~~  
~~(K) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony; and~~  
~~(L) Sexual extortion, § 5-14-113.~~

SECTION 44. Arkansas Code § 20-38-102 is amended to read as follows:  
 20-38-102. Criminal history records checks – Operators.

(a)(1)(A) When an operator applies for a license, exemption from licensure, certificate, or other operating authority for a service provider from its licensing or certifying agency, the operator shall submit a criminal history records check form and a complete set of fingerprints to the Identification Bureau of the Department of Arkansas State Police and request a state criminal history records check and a national criminal history records check on the operator.

(B) The operator shall attach evidence of the request for a criminal history records check to the application for the service provider's license, exemption from licensure, certificate, or other operating authority.

(C) The criminal history records check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2)(A) The bureau shall conduct a state criminal records history check and request a national criminal history records check on the operator.

(B) Upon completion of each criminal history records check, the bureau shall issue a report to the licensing or certifying agency.

(C) The licensing or certifying agency shall share the

information obtained from the state criminal history records check and the national criminal history records check only with employees of the Department of Human Services who have an official business reason to see the information.

(3) Based on the criminal history records check, the licensing or certifying agency shall determine whether the operator is ~~or is not~~ disqualified from licensure, exemption from licensure, certification, or other operating authority.

(4) The licensing or certifying agency shall forward its determination to the operator and the service provider seeking licensure, exemption from licensure, certification, or other operating authority.

(b) Operators are required to undergo periodic criminal history records checks no less than one (1) time every five (5) years.

SECTION 45. Arkansas Code § 20-38-103, concerning a criminal background check conducted by a service provider, is amended to add an additional subsection to read as follows:

(h) A criminal history records check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 46. Arkansas Code § 20-38-104 is amended to read as follows:  
20-38-104. Request for records check – Requirement.

(a) A request for a state criminal history records check on a person shall include a completed statement that:

(1) Contains the name, address, and date of birth appearing on a valid identification document issued by a government entity to the person who is the subject of the state criminal history records check;

(2) Indicates whether the person has been found guilty of or pleaded guilty or nolo contendere to a crime and, if so, includes a description of the crime and the particulars of the finding of guilt or the plea, except that the state criminal history records check shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law;

(3) Notifies the person that a service provider may conduct national criminal history records checks, state criminal history records checks, and registry records checks on the person;

(4) Provides the consent of the person who is the subject of the state criminal history records check to disclosure of checks, reports, and determinations under this subchapter;

(5) Informs the person how to object to the content of reports; and

(6) Contains the notarized signature of the person who is the subject of the state criminal history records check.

(b)(1) A request for a national criminal history records check on a person shall conform to applicable federal standards and shall include a complete set of fingerprints.

(2) The Identification Bureau of the Department of Arkansas State Police may maintain fingerprints submitted for a national criminal history records check in an automated fingerprint identification system.

SECTION 47. Arkansas Code § 21-15-102(a)(1), concerning criminal history checks for positions involving direct contact with children and mentally ill and developmentally disabled persons, is amended to read as follows:

(a)(1)(A) When a person applies for employment with a state agency in a designated position and if the state agency intends to make an offer of employment to the applicant, the applicant shall complete a criminal history check form and a central registry check form obtained from the state agency and shall submit the form to the state agency as part of the application process.

(B) If the state agency intends to make an offer of employment to the applicant, the state agency within five (5) days of the decision shall:

(i)(a) Use the Online Criminal Background Check System to obtain the criminal history or forward the criminal history check form to the Identification Bureau of the Department of Arkansas State Police and request the bureau to review the bureau's database of criminal history.

(b) A criminal background check required under this subsection shall not include any record of a conviction that was

lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

~~(b)~~(c) Within three (3) days of the receipt of a request to review the database, the bureau shall notify the state agency if the database contains any criminal history records on the applicant; and

(ii)(a) Forward the central registry check form to the Child Maltreatment Central Registry and the Adult and ~~Long-Term~~ Long-term Care Facility Resident Maltreatment Central Registry for a central registry check.

(b) The state agency shall pay any fee associated with the central registry check on behalf of the applicant.

(c) Within seven (7) days of the receipt of a request for a central registry check, the central registry shall notify the state agency if the database contains any information naming the applicant as an offender or perpetrator of child or adult abuse.

SECTION 48. Arkansas Code § 21-15-103(a), concerning a criminal background check conducted for certain designated positions, is amended to read as follows:

(a)(1) A state agency shall ensure that any incumbent employee in a designated position has a subsequent criminal background check completed within five (5) years of the incumbent employee's initial criminal background check and every five (5) years thereafter.

(2) A state agency shall ensure that any incumbent employee in a designated position has a subsequent central registry check completed within five (5) years of the incumbent employee's initial central registry check and every five (5) years thereafter.

(3) In accordance with subdivisions (a)(1) and (2) of this section, each employee of a state agency in a designated position shall complete a criminal history check form and a central registry check form obtained from the state agency and shall submit the ~~form~~ forms to the state agency. The state agency shall:

(A)(i) Use the Online Criminal Background Check System to obtain a criminal history check or forward the criminal history check form to the Identification Bureau of the Department of Arkansas State Police.

(ii) The state agency shall pay any fee associated with the criminal history check on behalf of the employee; and

(B)(i) Forward the central registry check form to the Child Maltreatment Central Registry and the Adult and ~~Long-Term~~ Long-term Care Facility Resident Maltreatment Central Registry for a review of the registry databases.

(ii) The state agency shall pay any fee associated with the central registry checks.

(4) A criminal background check required under this subsection shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 49. Arkansas Code § 21-15-107 is amended to read as follows:

21-15-107. Identification Bureau and registries – Duties.

(a)(1) After receipt of a request for a criminal history check, the Identification Bureau of the Department of Arkansas State Police shall make reasonable efforts to respond to requests for state criminal history checks within twenty (20) calendar days and to respond to requests for national criminal history checks within ten (10) calendar days after the receipt of a national criminal history check from the Federal Bureau of Investigation.

(2) After receipt of a request for a central registry check, a registry shall make reasonable efforts to respond to requests within twenty (20) calendar days.

(b)(1)(A) Upon completion of a criminal history check, the Identification Bureau of the Department of Arkansas State Police shall forward all information obtained concerning the applicant or employee to the Arkansas Crime Information Center.

(B) If the criminal history check is being conducted for licensure or employment purposes, the information forwarded under subdivision (b)(1)(A) of this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2) Upon completion of a central registry check, the registry shall forward all information obtained concerning the applicant or employee

to the requesting state agency.

(c) The Identification Bureau of the Department of Arkansas State Police shall maintain a database of the results of criminal history checks on each applicant for employment with and each employee of a state agency in a designated position.

(d)(1)(A) The Identification Bureau of the Department of Arkansas State Police shall develop a form to be used for criminal history checks conducted under this subchapter.

(B) The form under subdivision (d)(1)(A) of this section shall require the notarized signature of the person who is the subject of the check.

(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 under subdivision (d)(2)(A) of this section shall require the notarized signature of the person who is the subject of the check.

SECTION 50. Arkansas Code § 21-15-111 is amended to read as follows:

21-15-111. Hiring new employees into designated financial or information technology positions.

(a)(1)(A) When a person applies for employment with a state agency in a designated financial or information technology position and if the state agency intends to make an offer of employment to the applicant, the applicant shall complete a criminal history check form and shall submit the form to the state agency as part of the application process.

(B)(i) Within five (5) days of the state agency's decision to make an offer of employment to the applicant, the state agency shall use the Online Criminal Background Check System to obtain the criminal history or forward the criminal history check form to the Identification Bureau of the Department of Arkansas State Police and request the bureau to review the database of criminal history.

(ii) A criminal background check required under this subsection shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-

1401 et seq., or otherwise previously sealed or expunged under prior law.

(C) Within three (3) days of the receipt of a request to review the database, the bureau shall notify the state agency if the database contains any criminal history record on the applicant.

(2) If no criminal history record regarding the applicant is found in the database, then the state agency may make an offer of temporary employment to the applicant while the bureau completes a criminal history check and the state agency determines whether the applicant is disqualified from employment under subsection (f) of this section.

(3)(A) If a criminal history record regarding the applicant is found in the database, then the applicant is temporarily disqualified from employment until the state agency determines whether the applicant is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that the applicant is not disqualified, then the state agency may continue to temporarily employ the applicant while the bureau completes a criminal history check.

(b)(1) Except as provided in subdivision (b)(2) of this section, the bureau shall conduct a state criminal history check and a national criminal history check on an applicant upon receiving a criminal history check request from a state agency.

(2)(A) If the state agency can verify that the applicant has been employed by a state agency in a designated financial or information technology position within sixty (60) days before the application or has lived continuously in the State of Arkansas for the past five (5) years, the bureau shall conduct only a state criminal history check on the applicant.

(B) If the state agency can verify that the selected applicant currently works for a state agency in a designated position or a designated financial or information technology position and the state agency can provide verification that a criminal history check for that position has been completed in the last five (5) years, the state agency does not need to conduct another criminal history check on the employee until the criminal history check is five (5) years old.

(c)(1) Upon completion of a criminal history check on an applicant, the bureau shall issue a report to the state agency.

(2)(A) The state agency shall determine whether the applicant is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that an applicant is disqualified from employment, then the state agency shall deny employment to the applicant.

(d) If a national criminal history check is required under this section, the criminal history check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(e) Before making a temporary or permanent offer of employment, a state agency shall inform an applicant that:

(1) Continued employment is contingent upon the results of a criminal history check; and

(2) The applicant has the right to obtain a copy of his or her criminal history report from the bureau.

(f) ~~An expunged~~ A sealed or expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in this subsection shall not be considered a conviction or plea of guilty or nolo contendere to the offense. ~~No person shall be~~ A person is not eligible for employment with a state agency in a designated financial or information technology position if that person has pleaded guilty or nolo contendere to, or has 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 unless the conviction was vacated, ~~or~~ reversed, sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law:

- (1) Robbery, as prohibited in § 5-12-102;
- (2) Aggravated robbery, as prohibited in § 5-12-103;
- (3) Soliciting money or property from incompetents, as prohibited in § 5-27-229;
- (4) Theft of property, as prohibited in § 5-36-103;
- (5) Theft by receiving, as prohibited in § 5-36-106;
- (6) Theft of property lost, mislaid, or delivered by mistake, as prohibited in § 5-36-105;
- (7) Theft of leased, rented, or entrusted personal property, as prohibited in § 5-36-115;
- (8) Shoplifting, as prohibited in § 5-36-116;
- (9) Embezzlement by officer or employee of certain institutions,

as prohibited in § 5-36-118 [repealed];

(10) Theft of public benefits, as prohibited in § 5-36-202;

(11) Theft of wireless service, as prohibited in § 5-36-303;

(12) Facilitating theft of wireless service by manufacture, distribution, or possession of devices for theft of wireless services, as prohibited in § 5-36-304;

(13) Any offense involving theft detection devices, as prohibited in §§ 5-36-401 – 5-36-405;

(14) Forgery, as prohibited in § 5-37-201;

(15) Falsifying business records, as prohibited in § 5-37-202;

(16) Defrauding secured creditors, as prohibited in § 5-37-203;

(17) Fraud in insolvency, as prohibited in § 5-37-204;

(18) Issuing a false financial statement, as prohibited in § 5-37-205;

(19) Receiving deposits in a failing financial institution, as prohibited in § 5-37-206;

(20) Fraudulent use of a credit card or debit card, as prohibited in § 5-37-207;

(21) Criminal impersonation, as prohibited in § 5-37-208;

(22) Criminal possession of a forgery device, as prohibited in § 5-37-209;

(23) Obtaining signature by deception, as prohibited in § 5-37-210;

(24) Defrauding judgment creditors, as prohibited in § 5-37-211;

(25) Unlawfully using slugs, as prohibited in § 5-37-212;

(26) Criminal simulation, as prohibited in § 5-37-213;

(27) Use of false transcript, diploma, or grade report from postsecondary educational institution, as prohibited in § 5-37-225;

(28) Financial identity fraud, as prohibited in § 5-37-227;

(29) Any offense as prohibited in the Arkansas Hot Check Law, § 5-37-301 et seq.;

(30) Theft of communication services, as prohibited in § 5-37-402;

(31) Criminal mischief in the first degree, as prohibited in § 5-38-203;

(32) Residential or commercial burglary, as prohibited in § 5-

39-201;

(33) Breaking or entering, as prohibited in § 5-39-202;

(34) Computer fraud, as prohibited in § 5-41-103;

(35) Computer trespass, as prohibited in § 5-41-104;

(36) Any offense involving computer crime, as prohibited in §§ 5-41-201 – 5-41-206;

(37) Criminal use of property or laundering criminal proceeds, as prohibited in § 5-42-204;

(38) Any offense involving corruption in public office, as prohibited in §§ 5-52-101 – 5-52-108;

(39) Tampering with a public record, as prohibited in § 5-54-121;

(40) Criminal acts constituting Medicaid fraud, as prohibited in § 5-55-111;

(41) Any offense involving illegal food coupons, as prohibited in §§ 5-55-201 – 5-55-205;

(42) Engaging in a continuing criminal gang, organization, or enterprise, as prohibited in § 5-74-104; or

(43) Criminal attempt, criminal complicity, 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.

SECTION 51. Arkansas Code § 21-15-112 is amended to read as follows:

21-15-112. Incumbent employees in designated financial or information technology positions.

(a)(1) State agencies shall ensure that all employees in designated financial or information technology positions apply for criminal history checks by December 1, 2005.

(2) An incumbent employee in a designated financial or information technology position shall have a subsequent criminal background check within five (5) years of the initial criminal background check and every five (5) years thereafter.

(3)(A) In accordance with subdivisions (a)(1) and (2) of this section, each employee of a state agency in a designated financial or information technology position shall complete a criminal history check form

and shall submit the form to the state agency.

(B) The state agency shall:

(i) Use the Online Criminal Background Check System to obtain the criminal history or forward the criminal history check form to the Identification Bureau of the Department of Arkansas State Police; and

(ii) Pay any fee associated with the criminal history check on behalf of the employee.

(4) A criminal history check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(b)(1) Except as provided in subdivision (b)(2) of this section, the bureau shall conduct a state criminal history check and a national criminal history check on an employee upon receiving a criminal history check request from a state agency.

(2) If the state agency can verify that the employee has been employed by a state agency in a designated financial or information technology position within sixty (60) days before applying for the criminal background check or has lived continuously in the State of Arkansas for the previous five (5) years, the bureau shall conduct only a state criminal history check on the applicant.

(c)(1) Upon completion of a criminal history check on an employee, the bureau shall issue a report to the state agency.

(2)(A) The state agency shall determine whether the employee is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that an employee is disqualified from employment, then the state agency shall discharge the employee.

(d) If a national criminal history check is required under this section, the criminal history check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(e) A state agency shall inform all employees in designated financial or information technology positions that:

(1) Continued employment is contingent upon the results of a criminal history check; and

(2) The employee has the right to obtain a copy of his or her

criminal history report from the bureau.

(f) ~~An expunged~~ A sealed or expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in this subsection shall not be considered a conviction or plea of guilty or nolo contendere to the offense. A state agency shall discharge from employment an employee in a designated financial or information technology position who has pleaded guilty or nolo contendere to, or has 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 unless the conviction was vacated, ~~or~~ reversed, sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law:

- (1) Robbery, as prohibited in § 5-12-102;
- (2) Aggravated robbery, as prohibited in § 5-12-103;
- (3) Soliciting money or property from incompetents, as prohibited in § 5-27-229;
- (4) Theft of property, as prohibited in § 5-36-103;
- (5) Theft by receiving, as prohibited in § 5-36-106;
- (6) Theft of property lost, mislaid, or delivered by mistake, as prohibited in § 5-36-105;
- (7) Theft of leased, rented, or entrusted personal property, as prohibited in § 5-36-115;
- (8) Shoplifting, as prohibited in § 5-36-116;
- (9) Embezzlement by officer or employee of certain institutions, as prohibited in § 5-36-118 [repealed];
- (10) Theft of public benefits, as prohibited in § 5-36-202;
- (11) Theft of wireless service, as prohibited in § 5-36-303;
- (12) Facilitating theft of wireless service by manufacture, distribution, or possession of devices for theft of wireless services, as prohibited in § 5-36-304;
- (13) Any offense involving theft detection devices, as prohibited in §§ 5-36-401 – 5-36-405;
- (14) Forgery, as prohibited in § 5-37-201;
- (15) Falsifying business records, as prohibited in § 5-37-202;
- (16) Defrauding secured creditors, as prohibited in § 5-37-203;
- (17) Fraud in insolvency, as prohibited in § 5-37-204;

- (18) Issuing a false financial statement, as prohibited in § 5-37-205;
- (19) Receiving deposits in a failing financial institution, as prohibited in § 5-37-206;
- (20) Fraudulent use of a credit card or debit card, as prohibited in § 5-37-207;
- (21) Criminal impersonation, as prohibited in § 5-37-208;
- (22) Criminal possession of a forgery device, as prohibited in § 5-37-209;
- (23) Obtaining signature by deception, as prohibited in § 5-37-210;
- (24) Defrauding judgment creditors, as prohibited in § 5-37-211;
- (25) Unlawfully using slugs, as prohibited in § 5-37-212;
- (26) Criminal simulation, as prohibited in § 5-37-213;
- (27) Use of false transcript, diploma, or grade report from postsecondary educational institution, as prohibited in § 5-37-225;
- (28) Financial identity fraud, as prohibited in § 5-37-227;
- (29) Any offense violating the Arkansas Hot Check Law, as prohibited in § 5-37-301 et seq.;
- (30) Theft of communication services, as prohibited in § 5-37-402;
- (31) Criminal mischief in the first degree, as prohibited in § 5-38-203;
- (32) Residential or commercial burglary, as prohibited in § 5-39-201;
- (33) Breaking or entering, as prohibited in § 5-39-202;
- (34) Computer fraud, as prohibited in § 5-41-103;
- (35) Computer trespass, as prohibited in § 5-41-104;
- (36) Any offense involving computer crime, as prohibited in §§ 5-41-201 – 5-41-206;
- (37) Criminal use of property or laundering criminal proceeds, as prohibited in § 5-42-204;
- (38) Any offense involving corruption in public office, as prohibited in §§ 5-52-101 – 5-52-108;
- (39) Tampering with a public record, as prohibited in § 5-54-121;

(40) Criminal acts constituting Medicaid fraud, as prohibited in § 5-55-111;

(41) Any offense involving illegal food coupons, as prohibited in §§ 5-55-201 – 5-55-205;

(42) Engaging in a continuing criminal gang, organization, or enterprise, as prohibited in § 5-74-104; or

(43) Criminal attempt, criminal complicity, 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.

SECTION 52. Arkansas Code § 23-13-713(a), concerning driver requirements under the Transportation Network Company Services Act, is amended to read as follows:

(a) Before permitting an individual to act as a transportation network company driver on its website, digital network, or software application, a transportation network company shall:

(1) Require the individual to submit an application to the transportation network company that includes information regarding the individual's address, age, driver's license, driving history, motor vehicle registration, motor vehicle liability insurance coverage, and other information required by the transportation network company;

(2)(A) Conduct, or have a third party conduct, a state and national criminal background check for each applicant that includes searching:

~~(A)(i)~~ A multistate and multijurisdictional criminal records locator or other similar commercial nationwide database with validation of primary source searches; and

~~(B)(ii)~~ The National Sex Offender Registry database.

(B) A criminal background check authorized under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law; and

(3) Obtain and review the individual's driving history.

SECTION 53. Arkansas Code § 23-39-505(a)(4)(D), concerning the

qualifications for licensure under the Fair Mortgage Lending Act, is amended to read as follows:

(D)(i) The qualifications, business history, and financial condition of the applicant and a managing principal of the applicant.

(ii) The qualifications and business history of persons under subdivision (a)(4)(D)(i) of this section shall include:

(a) A description of an injunction or administrative order, including a denial to engage in a regulated activity by any state or federal authority that had jurisdiction over the applicant;

(b) A conviction of a misdemeanor involving fraudulent dealings or moral turpitude or relating to any aspect of the mortgage industry, the securities industry, the insurance industry, or any other activity pertaining to financial services;

(c) A felony conviction; and

(d) Fingerprints for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive fingerprints for a state, national, and international criminal background check.

(iii) A criminal background check authorized under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law; and

SECTION 54. Arkansas Code § 23-46-205(d)(10), concerning the powers of the Bank Commissioner, is amended to read as follows:

(10)(A)(i) Perform preemployment state criminal background checks through the Department of Arkansas State Police and preemployment federal criminal background checks through the Federal Bureau of Investigation on all applicants selected for employment as examiners with the State Bank Department.

(ii) A criminal background check authorized under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(B) The federal background check shall include taking fingerprints of the applicant.

(C) The applicant shall sign a release authorizing the Department of Arkansas State Police and the Federal Bureau of Investigation to disclose criminal history information about the applicant to the State Bank Department.

(D) The commissioner shall treat the information as confidential and shall disclose the information only to the applicant; and

SECTION 55. Arkansas Code § 23-64-607(b), concerning the requirements for licensure or certification under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, is amended to read as follows:

(b) In addition to the other information required under this subchapter or rules adopted by the commissioner, an application for a license or certification under this subchapter shall include:

(1) The applicant's business name, address, and Social Security number or taxpayer identification number;

(2)(A) A criminal and regulatory background check of the applicant.

(B) A criminal and regulatory background check authorized under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law; and

(3) A description of the applicant's current business operations and its activities, duties, and responsibilities, including without limitation:

(A) The place of organization and a certified copy of the applicant's organizational and governance documents;

(B) If a foreign business, a copy of the certificate of authority from the Secretary of State;

(C) The proposed method of business operation and, if applicable, other locations for doing business; and

(D)(i) The qualifications, business experience and history, and financial condition of the applicant, its affiliates, and its employees.

(ii) Information required under subdivision

(b)(3)(D)(i) of this section shall include:

(a) A description of any injunction or administrative order, including a denial to engage in a regulated activity by a state or federal authority that had jurisdiction over the applicant, its affiliates, and its employees;

(b) A conviction of a misdemeanor involving fraudulent dealings or moral turpitude or relating to any aspect of the insurance industry, the mortgage industry, the securities industry, or any other activity pertaining to financial services;

(c) Any felony conviction; and

(d) A beneficial interest in an affiliated industry business.

SECTION 56. Arkansas Code § 23-66-513(a)(1), concerning a background check conducted by the Insurance Commissioner, is amended to read as follows:

(a)(1)(A) Prior to the approval of any application or request for appointment by an insurer or company to be added to the license obtained by an individual resident agent or producer who has had no previous appointments on his or her Arkansas license prior to this request, the insurer shall conduct or secure at its expense an investigation as to the applicant's identity, residence, experience, or instruction as to the kinds of insurance to be transacted, and as to the agent's or producer's character, financial condition, and financial history.

(B) The Insurance Commissioner may accept a background check performed by the National Association of Securities Dealers for any required broker or producer background check required by this section.

(C) A criminal background check authorized under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 57. Arkansas Code § 23-110-204(e), concerning a background check under the Arkansas Horse Racing Law conducted by the Arkansas Racing Commission, is amended to read as follows:

(e)(1)(A) The commission may require an applicant to be fingerprinted to determine the applicant's suitability to be issued a license as a horse

owner, horse trainer, jockey, or jockey agent.

(B)(i) If required by the commission, the fingerprints shall be forwarded by the commission to the Department of Arkansas State Police for statewide criminal and noncriminal background checks.

(ii) A criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(C) After completion of the statewide criminal and noncriminal background check, the fingerprints shall be forwarded by the Department of Arkansas State Police to the Federal Bureau of Investigation for a national criminal history record check.

(2) The applicant shall sign a release that authorizes the:

(A) Department of Arkansas State Police to forward the applicant's fingerprint card to the Federal Bureau of Investigation for a national criminal history record check; and

(B) Release of the results of the statewide criminal and noncriminal background check and the national criminal history record check to the commission.

(3)(A) Any information received by the commission from the statewide criminal and noncriminal background check and the national criminal history record check of the applicant shall be kept confidential and may be used by the commission only for the purpose of determining the applicant's suitability to be licensed by the commission.

(B) The commission may disclose any information under subdivision (e)(3)(A) of this section to the applicant or the applicant's duly authorized representative.

(4) No statewide criminal and noncriminal background check or national criminal history record check shall be required of an applicant for certain classes of licenses that have been exempted from investigation by rules promulgated by the commission.

(5) The commission shall promulgate rules to implement this subsection.

SECTION 58. Arkansas Code § 23-111-203(c), concerning a background check conducted under the Arkansas Greyhound Racing Law by the Arkansas

Racing Commission, is amended to read as follows:

(c)(1)(A) The commission may require an applicant to be fingerprinted to determine the applicant's suitability to be issued a license as a greyhound owner or trainer.

(B)(i) If required by the commission, the fingerprints shall be forwarded by the commission to the Department of Arkansas State Police for statewide criminal and noncriminal background checks.

(ii) A criminal background check authorized under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(C) After completion of the statewide criminal and noncriminal background checks, the fingerprints shall be forwarded by the department to the Federal Bureau of Investigation for a national criminal history record check.

(2) The applicant shall sign a release that authorizes the:

(A) Department to forward the applicant's fingerprint card to the Federal Bureau of Investigation for a national criminal history record check; and

(B) Release of the results of the statewide criminal and noncriminal background checks and the national criminal history record check to the commission.

(3)(A) Any information received by the commission from the statewide criminal and noncriminal background check and the national criminal history record check shall be kept confidential and may be used by the commission only for the purpose of determining the applicant's suitability to be licensed by the commission.

(B) The commission may disclose any information under subdivision (c)(3)(A) of this section to the applicant or the applicant's duly authorized representative.

(4) No statewide criminal and noncriminal background ~~checks~~ check or national criminal history record check shall be required of applicants for certain classes of licenses that have been exempted from investigation by rules promulgated by the commission.

(5) The commission shall promulgate rules to implement this subsection.

SECTION 59. Arkansas Code § 23-113-303(c), concerning background checks for a prospective franchise holder employee license, supplier license, or service license under the Local Option Horse Racing and Greyhound Racing Electronic Games of Skill Act, is amended to read as follows:

(c)(1)(A) An applicant shall be fingerprinted to determine an applicant's suitability to be issued a franchise holder employee license, supplier license, or service license.

(B)(i) The fingerprints shall be forwarded by the commission to the Department of Arkansas State Police for statewide criminal and noncriminal background checks.

(ii) A criminal background check required under this subsection shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(C) After completion of the statewide criminal and noncriminal background check, the fingerprints shall be forwarded by the Department of Arkansas State Police to the Federal Bureau of Investigation for a national criminal history record check.

(2) The applicant shall sign a release that authorizes the:

(A) Department of Arkansas State Police to forward the applicant's fingerprint card to the Federal Bureau of Investigation for a national criminal history record check; and

(B) Release of the results of the statewide criminal and noncriminal background check and the national criminal history record check to the commission.

(3)(A) Any information received by the commission from the statewide criminal and noncriminal background check and the national criminal history record check shall be kept confidential and may be used by the commission only for the purpose of determining the applicant's suitability to be licensed by the commission.

(B) The commission may disclose any information under subdivision (c)(3)(A) of this section to the applicant or the applicant's duly authorized representative.

(4) No statewide criminal and noncriminal background check or national criminal history record check shall be required of applicants for

certain classes of licenses that have been exempted from investigation by rules promulgated by the commission.

(5) The commission shall promulgate rules to implement this subsection.

SECTION 60. Arkansas Code § 23-114-303(c), concerning a background check under the Charitable Bingo and Raffles Enabling Act, is amended to read as follows:

(c) The responsible person within an authorized organization shall meet the following requirements:

(1) The responsible person shall not have been found guilty of or pleaded guilty or no contest to:

(A) Any felony by any court in the State of Arkansas; or

(B) Any similar offense by a court in another state or of any similar offense by a military or federal court;

(2)(A)(i) In order to determine a responsible person's suitability to organize, conduct, and administer raffles and bingo sessions, the Director of the Department of Finance and Administration may require that the responsible person be fingerprinted and the fingerprints forwarded for a criminal background check through the Department of Arkansas State Police.

(ii) A criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(B) After the completion of the criminal background check through the Department of Arkansas State Police, the fingerprints shall be forwarded by the Department of Arkansas State Police to the Federal Bureau of Investigation for a national criminal history record check; and

(3) The responsible person shall sign a release that allows the Department of Arkansas State Police to release:

(A) An Arkansas noncriminal justice background check to the Department of Finance and Administration; and

(B) A fingerprint card of the applicant to the Federal Bureau of Investigation to allow a federal fingerprint-based background check to be performed.

SECTION 61. Arkansas Code § 23-114-304(c), concerning a background check under the Charitable Bingo and Raffles Enabling Act, is amended to read as follows:

(c) The person or persons who are responsible for the applicant's sales of bingo equipment shall meet the following requirements:

(1) The person or persons shall not have been found guilty of or pleaded guilty or no contest to:

(A) Any felony by any court in the State of Arkansas; or

(B) Any similar offense by a court in another state or of any similar offense by a military or federal court;

(2)(A)(i) In order to determine the person's or persons' suitability to be involved in the sale of bingo equipment, the Director of the Department of Finance and Administration may require that the person or persons be fingerprinted and the fingerprints forwarded for a criminal background check through the Department of Arkansas State Police.

(ii) A criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(B) After the completion of the criminal background check through the Department of Arkansas State Police, the fingerprints shall be forwarded by the Department of Arkansas State Police to the Federal Bureau of Investigation for a national criminal history record check; and

(3) The person or persons responsible for an applicant's sales of bingo equipment shall sign a release that allows the Department of Arkansas State Police to release the following:

(A) An Arkansas noncriminal justice background check to the Department of Finance and Administration; and

(B) A fingerprint card of the applicant to the Federal Bureau of Investigation to allow a federal fingerprint-based background check to be performed.

SECTION 62. Arkansas Code § 23-115-301(b), concerning the background check conducted under the Arkansas Scholarship Lottery Act, is amended to read as follows:

(b)(1)(A) An individual considered for appointment as director shall

apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(B) A criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2) The state and federal criminal background check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(3) The applicant shall sign a consent to the release of information for the state and federal criminal background check.

(4) The office shall be responsible for the payment of any fee associated with the state and federal criminal background check.

(5) Upon completion of the state and federal criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the Governor and the office all releasable information obtained concerning the applicant.

SECTION 63. Arkansas Code § 23-115-601(e), concerning the background check conducted under the Arkansas Scholarship Lottery Act, is amended to read as follows:

(e)(1)(A) A person seeking to be a retailer shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check, to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(B) A criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2) The state and federal criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.

(3) The applicant shall sign a consent to the release of

information for the state and federal criminal background check.

(4) The office shall be responsible for the payment of any fee associated with the state and federal criminal background check.

(5) Upon completion of the state and federal criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the office all releasable information obtained concerning the applicant.

SECTION 64. Arkansas Code § 25-1-112 is amended to read as follows:

25-1-112. Sexual offenses screened in criminal background checks.

(a) Whenever a criminal background check is performed on a person under the provisions of any criminal background check requirement contained in this Code for employment, licensure, or any other purpose, the person may be disqualified for employment, licensure, or any other purpose for which the background check was conducted if it is determined that the person committed a violation of any sexual offense formerly proscribed under §§ 5-14-101 – 5-14-103, 5-14-104 – 5-14-109 [repealed], 5-14-110 – 5-14-112, 5-14-113 – 5-14-119 [reserved], 5-14-120 – 5-14-121 [repealed], and 5-14-122 – 5-14-127, that is substantially equivalent to any sexual offense presently listed in §§ 5-14-101 – 5-14-103, 5-14-104 – 5-14-109 [repealed], 5-14-110 – 5-14-112, 5-14-113 – 5-14-119 [reserved], 5-14-120 – 5-14-121 [repealed], and 5-14-122 – 5-14-127, and is an offense screened for in a criminal background check.

(b) However, a person is not disqualified for employment, licensure, or any other purpose for which the background check was conducted if the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 65. Arkansas Code § 25-1-123(b), concerning a criminal background check for public employees controlling public funds, is amended to read as follows:

(b)(1)(A) A public employer shall obtain a state criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police before finalizing the hiring of an applicant for an employment position with supervisory fiduciary responsibility over all fiscal matters.

(B) The criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

(2) The applicant shall sign a release of information to the public employer.

(3) The public employer may:

(A) Choose to be responsible for the payment of any fee associated with the state criminal background check; or

(B) Provide that the applicant is responsible for the payment of any fee associated with the criminal background check.

(4) Upon completion of the criminal background check, the Identification Bureau shall forward to the public employer all releasable information obtained concerning the applicant.

SECTION 66. Arkansas Code § 25-16-1104 is amended to read as follows:  
25-16-1104. Disqualification from office.

A public servant who pleads guilty or nolo contendere to or is found guilty of an offense under § 25-16-1103(a) shall be disqualified and barred from holding an office, position, or employment in a governmental body, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 67. Arkansas Code § 26-57-216(3)(C), concerning the background check conducted by Arkansas Tobacco Control, is amended to read as follows:

(C)(i) Arkansas Tobacco Control shall conduct a criminal justice background check on each permit applicant and application, utilizing its Arkansas Crime Information Center access as a law enforcement agency, in accordance with §§ 12-12-1008 – 12-12-1011.

(ii) A criminal justice background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law.

SECTION 68. Arkansas Code § 27-16-1106(6), concerning the requirements for the issuance of a driver's license, is amended to read as follows:

(6)(A) Subject all persons authorized to manufacture or produce driver's licenses and identification cards to appropriate security clearance requirements to include, but not be limited to, criminal background checks.

(B) A criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law; and

SECTION 69. Arkansas Code § 28-65-702(b)(1), concerning the qualifications to serve as Public Guardian for Adults, is amended to read as follows:

(b)(1) In addition to the qualifications required under § 28-65-203, the public guardian shall:

(A) Hold a degree in law or social work or a related field;

(B)(i) Submit to a criminal background check with satisfactory results as prescribed by the Department of Human Services.

(ii) A criminal background check required under this section shall not include any record of a conviction that was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed or expunged under prior law;

(C) Attend and complete at least twenty (20) hours of training approved by the department; and

(D) Demonstrate competency and ability to carry out the values of the ward.