

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/22/21 H3/31/21
A Bill

HOUSE BILL 1520

By: Representatives F. Allen, Scott
By: Senator L. Chesterfield

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS CODE CONCERNING
OCCUPATIONAL CRIMINAL BACKGROUND CHECKS; TO ENSURE
THAT LICENSEES WHO WERE LICENSED PRIOR TO THE
ENACTMENT OF ACTS 2019, NO. 990, ARE ALLOWED TO
MAINTAIN THEIR LICENSES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS CODE CONCERNING
OCCUPATIONAL CRIMINAL BACKGROUND CHECKS;
AND TO ENSURE THAT LICENSEES WHO WERE
LICENSED PRIOR TO THE ENACTMENT OF ACTS
2019, NO. 990, ARE ALLOWED TO MAINTAIN
THEIR LICENSES.

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

SECTION 1. Arkansas Code § 17-3-102(b), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(b)(1) If an individual has been convicted of a crime listed in
subsection (a) of this section, a licensing entity may waive disqualification
or revocation of a license based on the conviction if a request for a waiver
is made by:

- (A) An affected applicant for a license; or
- (B) The individual holding a license subject to

revocation.

(2) A basis upon which a waiver may be granted includes without



limitation:

- (A) The age at which the offense was committed;
- (B) The circumstances surrounding the offense;
- (C) The length of time since the offense was committed;
- (D) Subsequent work history since the offense was

committed;

- (E) Employment references since the offense was committed;
- (F) Character references since the offense was committed;
- (G) Relevance of the offense to the occupational license;

and

(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(3) The waiver requirements of this section are not required for a renewal of a license if an individual has been convicted of a crime listed in subsection (a) of this section and has either:

(A) Completed the wavier requirements of this section at his or her initial licensure;

(B) Been licensed in this state before the enactment of subsection (a) of this section; or

(C) Attended a professional or occupational school, program, or training in pursuit of an occupational license before the enactment of subsection (a) of this section and would have been qualified to hold an occupational license on or before July 24, 2019.

SECTION 2. Arkansas Code § 17-3-102(g), concerning licensing restrictions based on criminal records, is amended to read as follows:

(g) The disqualification for an offense listed in subsection (a) of this section and the permanent disqualification for an offense listed in subsection (e) of this section does not apply to:

(1) An ~~an~~ individual who holds a valid license on July 24, 2019;

(2) An individual who holds a valid license on or before July 24, 2019, but failed to renew his or her license for any reason; or

(3) An individual who was a student on or before July 24, 2019, in a professional or occupational school, program, or training in pursuit of an occupational license and would have been qualified to hold an occupational license on or before July 24, 2019.

/s/F. Allen