

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 218

By: Senator J. Hendren  
By: Representative M. Berry

## For An Act To Be Entitled

AN ACT CONCERNING NONCRIMINAL BACKGROUND CHECK  
REQUESTS SUBMITTED TO THE DIVISION OF ARKANSAS STATE  
POLICE; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING NONCRIMINAL BACKGROUND CHECK  
REQUESTS SUBMITTED TO THE DIVISION OF  
ARKANSAS STATE POLICE.

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

SECTION 1. Arkansas Code § 12-12-1001(17), concerning the definition of "nonconviction information" used with regard to criminal history information and reporting standards, is amended to read as follows:

(17) "Nonconviction information" means a felony arrest information without disposition if an interval of one (1) year has at least five (5) years have elapsed from the date of arrest and no active prosecution of the charge is pending, as well as, any misdemeanor arrest for which a disposition has not been entered, all acquittals, and all dismissals;

SECTION 2. Arkansas Code § 12-12-1005, concerning the Identification Bureau of the Division of Arkansas State Police, is amended to add an additional subsection to read as follows:

(d)(1) A background check request for a non-criminal justice purpose that must be completed under state or federal law through the Division of Arkansas State Police shall be submitted to the division by electronic means



through the Arkansas State Police Criminal Background Check System.

(2) This subsection does not apply to a submission originating outside the State of Arkansas.

SECTION 3. Arkansas Code § 12-12-1503(2), concerning the definition of "arrest records" in regard to the Arkansas State Criminal Records Act, is amended to read as follows:

(2)(A) "Arrest records" or "arrest information" means felony arrest information in which conviction or disposition information has not been entered into the central repository.

(B) "Arrest records" or "arrest information" does not include:

- (i) Misdemeanor arrest information;
- (ii) Felony arrest information that has a disposition of acquittal, dismissal, or nolle prosequi entered into the central repository; or
- (iii) Felony arrest information if more than ~~three~~ five (5) years have elapsed from the date of the felony arrest;

SECTION 4. Arkansas Code § 12-12-1507, concerning the administration of the Arkansas State Criminal Records Act, is amended to add an additional subsection to read as follows:

(e) A background check request for a non-criminal justice purpose that must be completed under state or federal law through the division shall be submitted to the division by electronic means through the Arkansas State Police Criminal Background Check System.