

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1847

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO CREATE THE SECOND CHANCE HIRING ACT; TO PROHIBIT INQUIRIES BY A STATE AGENCY INTO CONVICTIONS FOR POSSESSION OF A CONTROLLED SUBSTANCE IN THE LAST FIVE YEARS; TO AMEND THE LAW CONCERNING CERTAIN PUBLIC EMPLOYEES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE SECOND CHANCE HIRING ACT; TO PROHIBIT INQUIRIES BY A STATE AGENCY INTO CONVICTIONS FOR POSSESSION OF A CONTROLLED SUBSTANCE IN THE LAST FIVE YEARS; AND TO AMEND THE LAW CONCERNING CERTAIN PUBLIC EMPLOYEES.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Second Chance Hiring Act".

SECTION 2. Arkansas Code Title 21, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

21-1-107. Disclosure of conviction for possession of a controlled substance – Definition.

(a)(1) As used in this section, a "state agency" means any agency, authority, board, bureau, commission, council, department, or office of the state receiving an appropriation by the General Assembly.



(2) As used in this section, "state agency" does not include:

- (A) Municipalities;
- (B) Townships;
- (C) Counties;
- (D) A public school district; or
- (E) Institutions of higher education.

(b) A state agency shall not require a job applicant to disclose a previous conviction for possession of a controlled substance on an initial job application if the conviction occurred more than five (5) years before the date of application.

(c) A criminal conviction for possession of a controlled substance occurring more than five (5) years before the job application shall not automatically disqualify an applicant from employment, unless mandated by state or federal law.

(d) A state agency may conduct criminal background checks to verify eligibility for employment of prospective employees, volunteers, interns, and temporary personnel.

(e) A state agency may conduct criminal background checks for current employees eligible for other positions within the state agency.

(f) The prohibitions of this section do not apply to an inquiry that is expressly authorized by an applicable federal or state law.