

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 462

By: Senator J. Scott

For An Act To Be Entitled

AN ACT TO CREATE A CERTIFICATE OF EMPLOYABILITY FOR A PERSON WITH A FELONY CONVICTION; TO ALLOW THE DIVISION OF CORRECTION AND CIRCUIT COURTS TO ISSUE CERTIFICATES OF EMPLOYABILITY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A CERTIFICATE OF EMPLOYABILITY FOR A PERSON WITH A FELONY CONVICTION; AND TO ALLOW THE DIVISION OF CORRECTION AND CIRCUIT COURTS TO ISSUE CERTIFICATES OF EMPLOYABILITY.

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

SECTION 1. Arkansas Code Title 16, Chapter 90, is amended to add an additional subchapter to read as follows:

Subchapter 16 – Certificate of Employability

16-90-1601. Issuance by the Division of Correction

(a) The Division of Correction shall issue a certificate of employability to a prisoner if the prisoner:

(1) Achieved one (1) or both of the following:

(A) While incarcerated, successfully completed one (1) or more of the following:

(i) A state-sponsored general education development certificate program;



(ii) A vocational program for which certification is awarded; or

(iii) A prerelease or other rehabilitative program or assignment as approved by the division; or

(B) Before incarceration, earned a high school equivalency diploma, a high school diploma, a college degree, certification from a vocational or technical education program, or a diploma or degree from a distance learning postsecondary education program;

(2) Received no major disciplinary violations during the year immediately preceding his or her release; and

(3) Received a passing score or satisfactory level of competence as determined by the division on a job skills assessment test administered by the division or correctional facility.

(b) A certificate of employability issued under subsection (a) of this section shall be:

(1) Issued to a prisoner when he or she is released from a correctional facility;

(2) On a form provided by the division; and

(3) Valid unless revoked by the division.

(c)(1) The division shall revoke the certificate of employability issued under this section of a person who is convicted of a felony after receiving a certificate of employability.

(2)(A) The division shall provide a person whose certificate of employability has been revoked under this subsection an opportunity to file a grievance through the prisoner grievance system of the division.

(B) The revocation of a certificate of employability is effective when the individual is notified of the revocation.

(3) The revocation of a certificate of employability does not affect the right of an employer to rely on the validity of the certificate of employability unless the employer knew before the individual was employed that the certificate of employability had been revoked.

(d)(1) A person shall not purposely state or otherwise represent that he or she has a valid certificate of employability issued by the division despite knowing that the statement or representation is false.

(2) A violation of subdivision (d)(1) of this section is a Class B misdemeanor.

(e) The division is not civilly liable for damages based upon a decision to issue or deny issuance of a certificate of employability to a prisoner or for revoking or failing to revoke a certificate of employability issued to a prisoner.

(f) The division shall notify incoming prisoners of the possibility to earn a certificate of employability.

(g) The issuance and revocation of a certificate of employability by the division shall be a public record.

(h)(1) The division shall submit an annual report no later than November 1 of each year to the Governor and the Charitable, Penal, and Correctional Institutions Subcommittee of the Legislative Council.

(2) The report shall include the number of certificates of employability issued in the preceding twelve (12) months, the rate of recidivism among released prisoners previously issued certificates of employability, and any other information the division deems appropriate.

16-90-1602. Issuance by circuit court.

(a) A person with one (1) or more felony or misdemeanor conviction may petition a circuit court for a certificate of employability.

(b)(1) When a petition for a certificate of employability is filed, the court shall notify the prosecuting attorney at least three (3) weeks before the hearing on the matter.

(2) The court may issue a certificate of employability subject to a restriction, condition, or additional requirement.

(3) When issuing, denying, or revoking a certificate of employability, the court may impose conditions for reapplication.

(c) The court shall revoke the certificate of employability issued under this section of a person who is convicted of a felony after receiving a certificate of employability.

(d)(1) The court may revoke a certificate of employability issued under this section if the court finds by a preponderance of the evidence that the person made a material misrepresentation in his or her petition for a certificate of employability.

(2) A revocation of a certificate of employability may be initiated:

(A) By the court on the court's own motion; or

(B) Upon a motion of the prosecuting attorney.

(3) The person to whom the certificate of employability was issued is entitled to a hearing on the motion for revocation.

(4) The person to whom the certificate of employability was issued and the prosecuting attorney shall be given notice of the motion for revocation at least three (3) weeks before a hearing on the matter.

(e) The revocation of a certificate of employability does not affect the right of an employer to rely on the validity of the certificate of employability unless the employer knew before the individual was employed that the certificate of employability had been revoked.

(f) The prosecuting attorney shall have the right to appear and be heard at any proceeding relating to the issuance or revocation of the certificate of employability.

(g)(1) The court may call upon a probation officer or parole officer for any additional investigation or verification of the person's conduct that the court reasonably believes necessary to the decision to issue or revoke a certificate of employability.

(2) If there are material disputed issues of fact or law, the person or the district attorney may submit evidence and be heard on those issues.

(h) The issuance and revocation of a certificate of employability by a court shall be a public record.

(i)(1) A person shall not purposely state or otherwise represent that he or she has a valid certificate of employability issued by a court despite knowing that the statement or representation is false.

(2) A violation of subdivision (i)(1) of this section is a Class B misdemeanor.

16-90-1603. Effect on certain proceedings.

(a) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of employability may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the person to whom the certificate of employability was issued if the person knew of the certificate of employability at the time of the alleged negligence or other fault.

(b) In a claim of negligent hiring against an employer, a certificate of employability may constitute evidence of lack of negligence unless the employer knew or should have known that the employee should not have been hired for the position due to the nature of the employee's criminal history at the time of the employer's decision to hire the employee.

(c) A certificate of employability does not provide relief from:

- (1) A requirement to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;
- (2) A suspension, cancellation, or revocation of a driver's license, commercial driver's license, or probationary license; or
- (3) A denial, ineligibility, or automatic suspension of a healthcare professional's license due to a substance use disorder.