

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1615

5 By: Representative Love  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING CRIMINAL BACKGROUND  
9 CHECK EXEMPTIONS APPLICABLE TO A VARIETY OF  
10 HEALTHCARE SERVICE PROVIDERS; AND FOR OTHER PURPOSES.  
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## Subtitle

12 TO AMEND THE LAW REGARDING CRIMINAL  
13 BACKGROUND CHECK EXEMPTIONS APPLICABLE TO  
14 A VARIETY OF HEALTHCARE SERVICE  
15 PROVIDERS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 20-38-105(d)(3), concerning  
23 disqualification from employment with a service provider, is amended to add  
24 an additional subdivision to read as follows:

25 (3) This section does not disqualify a person from employment  
26 with a service provider if:

27 (A) The conviction or plea of guilty or nolo contendere  
28 was for any of the nonviolent offenses listed below:

29 (i) Theft by receiving, § 5-36-106;

30 (ii) Forgery, § 5-37-201;

31 (iii) Financial identity fraud, § 5-37-227;

32 (iv) Resisting arrest, § 5-54-103;

33 (v) Criminal impersonation in the second degree, §  
34 5-37-208(b);

35 (vi) Interference with visitation, § 5-26-501;

36 (vii) Interference with court-ordered custody, § 5-



1 26-502;

2 (viii) Prostitution, § 5-70-102; ~~and~~

3 (ix) Patronizing a prostitute, § 5-70-103; and

4 (x) A nonviolent offense under the Uniform

5 Controlled Substances Act, § 5-64-101 et seq.;

6 (B) The service provider wants to employ the person;

7 (C) The person remains in employment with the same service  
8 provider;

9 (D) The person has completed probation or parole  
10 supervision, paid all court ordered fees or fines, including restitution, and  
11 fully complied with all court orders pertaining to the conviction or plea;

12 (E) The person will be employed by:

13 (i) A long-term care facility licensed by the Office  
14 of Long-Term Care;

15 (ii) An intermediate care or other facility,  
16 developmental day treatment clinic services provider, or group home licensed  
17 or certified by the Division of Developmental Disabilities Services; or

18 (iii) A child care facility or a church-exempt child  
19 care facility licensed by the Division of Child Care and Early Childhood  
20 Education;

21 (F) Subsequent to employment, the person does not plead  
22 guilty or nolo contendere to or is found guilty of any offense in subsection  
23 (b) of this section; and

24 (G) The person does not have a true or founded report of  
25 child maltreatment or adult maltreatment in a central registry.

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