

1 State of Arkansas As Engrossed: H3/22/21 H3/31/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1520

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5 By: Representatives F. Allen, Scott

6 By: Senator L. Chesterfield

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For An Act To Be Entitled

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

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Subtitle

17 TO AMEND THE ARKANSAS CODE CONCERNING
18 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS;
19 AND TO ENSURE THAT LICENSEES WHO WERE
20 LICENSED PRIOR TO THE ENACTMENT OF ACTS
21 2019, NO. 990, ARE ALLOWED TO MAINTAIN
22 THEIR LICENSES.

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

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

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

33 (A) An affected applicant for a license; or

34 (B) The individual holding a license subject to

35 revocation.

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



1 limitation:

- 2 (A) The age at which the offense was committed;
- 3 (B) The circumstances surrounding the offense;
- 4 (C) The length of time since the offense was committed;
- 5 (D) Subsequent work history since the offense was
- 6 committed;
- 7 (E) Employment references since the offense was committed;
- 8 (F) Character references since the offense was committed;
- 9 (G) Relevance of the offense to the occupational license;
- 10 and
- 11 (H) Other evidence demonstrating that licensure of the
- 12 applicant does not pose a threat to the health or safety of the public.

13 (3) The waiver requirements of this section are not required for

14 a renewal of a license if an individual has been convicted of a crime listed

15 in subsection (a) of this section and has either:

16 (A) Completed the wavier requirements of this section at

17 his or her initial licensure;

18 (B) Been licensed in this state before the enactment of

19 subsection (a) of this section; or

20 (C) Attended a professional or occupational school,

21 program, or training in pursuit of an occupational license before the

22 enactment of subsection (a) of this section and would have been qualified to

23 hold an occupational license on or before July 24, 2019.

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25 SECTION 2. Arkansas Code § 17-3-102(g), concerning licensing

26 restrictions based on criminal records, is amended to read as follows:

27 (g) The disqualification for an offense listed in subsection (a) of

28 this section and the permanent disqualification for an offense listed in

29 subsection (e) of this section does not apply to:

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

31 (2) An individual who holds a valid license on or before July

32 24, 2019, but failed to renew his or her license for any reason; or

33 (3) An individual who was a student on or before July 24, 2019,

34 in a professional or occupational school, program, or training in pursuit of

35 an occupational license and would have been qualified to hold an occupational

36 license on or before July 24, 2019.

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/s/F. Allen