

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1847

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

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

15 TO CREATE THE SECOND CHANCE HIRING ACT;  
16 TO PROHIBIT INQUIRIES BY A STATE AGENCY  
17 INTO CONVICTIONS FOR POSSESSION OF A  
18 CONTROLLED SUBSTANCE IN THE LAST FIVE  
19 YEARS; AND TO AMEND THE LAW CONCERNING  
20 CERTAIN PUBLIC EMPLOYEES.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. DO NOT CODIFY. Title.

27 This act shall be known and may be cited as the "Second Chance Hiring  
28 Act".  
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30 SECTION 2. Arkansas Code Title 21, Chapter 1, Subchapter 1, is amended  
31 to add an additional section to read as follows:

32 21-1-107. Disclosure of conviction for possession of a controlled  
33 substance – Definition.

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



1           (2) As used in this section, “state agency” does not include:

2                   (A) Municipalities;

3                   (B) Townships;

4                   (C) Counties;

5                   (D) A public school district; or

6                   (E) Institutions of higher education.

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

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

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

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

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

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