

**17-12-303. Criminal background check.**

(a) The Arkansas State Board of Public Accountancy may require each applicant for a new or reinstated license as a certified public accountant, including reciprocity applicants, or public accountant to apply for or authorize the board to obtain state and national criminal background checks to be conducted by the Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation.

(b) The criminal background checks shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall authorize the release of the criminal background checks to the board and shall be responsible for the payment of any fee associated with the criminal background checks.

(d) Upon completion of the criminal background checks, the Identification Bureau shall forward to the board all releasable information obtained concerning the applicant.

(e) [Repealed.]

(f)

(1) The provisions of subsection (e) of this section may be waived by the board upon the request of:

(A) An affected applicant for licensure or registration; or

(B) The person holding a license or registration subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references;

(G) A conviction or record that has been expunged; and

(H) Other evidence demonstrating that the applicant does not pose a threat to the public health, safety, or welfare.

(g)

(1) Any information received by the board from the Identification Bureau under this section is not available for examination except by:

(A) The affected applicant or the applicant's authorized representative;  
or

(B) The person whose license or registration is subject to revocation or  
his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the  
Division of Arkansas State Police.

(3) Only information pertaining to the person making the request may be  
made available to the affected applicant or the person whose license or  
registration is subject to revocation.

(4) Rights of privilege and confidentiality established in this section shall not  
extend to any document created for purposes other than the criminal  
background checks.

(h) The board shall adopt rules to implement the provisions of this section.

#### **History.**

Acts 1975, No. 160, § 3; 1979, No. 432, § 2; A.S.A. 1947, § 71-613; Acts 1993,  
No. 1219, § 1; 1999, No. 180, § 14; 2005, No. 54, § 7; 2019, No. 315, § 1332;  
2019, No. 990, §§ 8, 9.