



*Arkansas
Sentencing
Commission*

**Impact Assessment for SB 509
Sponsored by Senators Clark and Hutchinson**

Subtitle CREATING THE OFFENSE OF WRONGFUL DISSEMINATION OF AN ELECTRONIC COMMUNICATION TO INFLUENCE A POLITICAL VOTE; AND TO PROVIDE FOR CIVIL LIABILITY.

Impact Summary¹ Undetermined.

Change from current law² Creates the offense of wrongful dissemination of an electronic communication to influence a political vote, A.C.A. § 5-53-117, a Class D felony. Under the proposed bill, a person commits the offense of wrongful dissemination of an electronic communication to influence a political vote if with the purpose to influence a political vote the person purposely transmits or posts an electronic communication that is purported to be from another person without permission from the other person and that expresses an opinion concerning a political issue before the General Assembly.

This bill also creates a new provision, A.C.A. § 16-118-111, providing for civil action for damages caused by wrongful dissemination of an electronic communication to influence a political vote.

Impact Information

Because this proposed bill creates a new crime, data is unavailable as to the likely number of convictions per year. Therefore, the impact of this proposed bill is undetermined.

The following information is provided for reference only. The Arkansas Department of Correction reports that as of February 24, 2015, there is one (1) inmate serving a sentence with the most serious offense of Criminal Impersonation in the first degree. There are no inmates serving a sentence for criminal impersonation in the second degree.

¹ This impact assessment was prepared (3/3/2015 at 3:07 PM) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

A.C.A. § 5-37-208. Criminal impersonation.

(a) (1) A person commits criminal impersonation in the first degree if, with the purpose to induce a person to submit to pretended official authority for the purpose to injure or defraud the person, the person:

(A) Pretends to be a law enforcement officer by wearing or displaying, without authority, any uniform or badge by which a law enforcement officer is lawfully distinguished; or

(B) Uses a motor vehicle or motorcycle designed, equipped, or marked so as to resemble a motor vehicle or motorcycle belonging to a federal, state, or local law enforcement agency.

(2) Criminal impersonation in the first degree is a Class D felony.

(b) (1) A person commits criminal impersonation in the second degree if the person does an act in his or her pretended or assumed capacity or character with the purpose to injure, defraud, harass, or intimidate another person and the actor:

(A) Assumes a false identity;

(B) Pretends to be a representative of a person or organization;

(C) Pretends to be an officer or employee of the government other than a law enforcement officer described in subsection (a) of this section;

(D) Pretends that he or she is a law enforcement officer when the person is not a law enforcement officer; or

(E) Pretends to have a handicap or disability.

(2) Criminal impersonation in the second degree is a:

(A) Class D felony if:

(i) The victim of the offense is an animal owner; and

(ii) An animal of the owner is seized as a result of the offense; or

(B) Class A misdemeanor if otherwise committed.

(c) As used in this section:

(1) "Animal" means the same as defined in § 5-62-102; and

(2) "Owner" means the same as defined in § 5-62-102.

HISTORY: Acts 1975, No. 280, § 2310; A.S.A. 1947, § 41-2310; Acts 1991, No. 786, § 3; 1997, No. 1014, § 1; 2013, No. 433, § 1; 2013, No. 1178, § 1.