

Stricken language would be deleted from and underlined language would be added to present law.
Act 431 of the Regular Session

1 State of Arkansas *As Engrossed: H2/17/17 H2/22/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1006

4

5 By: Representatives Tucker, *F. Allen, E. Armstrong, Ballinger, Baltz, Barker, Blake, Boyd, Bragg,*
6 *Brown, Capp, Cavanaugh, Coleman, Cozart, Dalby, Davis, Della Rosa, Eubanks, Farrer, D. Ferguson,*
7 *K. Ferguson, Fielding, V. Flowers, Fortner, Gates, Gazaway, M.J. Gray, M. Gray, G. Hodges, M.*
8 *Hodges, Holcomb, Hollowell, Jett, Johnson, Ladyman, Leding, Love, Lowery, Lundstrum, Maddox,*
9 *Magie, McCollum, G. McGill, McNair, D. Meeks, Murdock, Nicks, Payton, Penzo, Pilkington, Richmond,*
10 *Rye, Sabin, B. Smith, Sullivan, Vaught, Walker, Wardlaw, Warren, Watson, D. Whitaker, J. Williams*
11 By: Senators Teague, K. Ingram, Elliott, L. Chesterfield, U. Lindsey, Maloch, E. Cheatham, S. Flowers

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For An Act To Be Entitled

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AN ACT TO AMEND CERTAIN CRIMINAL OFFENSES CONCERNING
15 ABUSES OF PUBLIC OFFICE; TO AMEND THE LAW CONCERNING
16 ABUSE OF OFFICE; TO AMEND THE LAW CONCERNING ABUSE OF
17 PUBLIC TRUST; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND CERTAIN CRIMINAL OFFENSES
22 CONCERNING ABUSES OF PUBLIC OFFICE; TO
23 AMEND THE LAW CONCERNING ABUSE OF OFFICE;
24 AND TO AMEND THE LAW CONCERNING ABUSE OF
25 PUBLIC TRUST.

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

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30 SECTION 1. Arkansas Code § 5-52-101 is amended to read as follows:
31 5-52-101. Abuse of public trust.

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(a) A person commits the offense of abuse of public trust if the
33 person:

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(1) Solicits, accepts, or agrees to accept on behalf of any
35 person, political party, or other organization any benefit from another
36 person upon an agreement or understanding that the other person will or may



1 be appointed a public servant or designated or nominated as a candidate for
2 public office;

3 (2) Offers, confers, or agrees to confer any benefit and the
4 receipt of the benefit is prohibited by this section;

5 (3) Solicits, accepts, or agrees to accept any benefit as
6 compensation or consideration for having given as a public servant ~~given, or~~
7 as a person elected, appointed, or otherwise designated to become a public
8 servant although not yet occupying that position, a decision, opinion,
9 recommendation, or vote favorable to another person or for having otherwise
10 exercised his or her discretion in favor of another person; or

11 (4) Offers, confers, or agrees to confer any benefit upon a
12 public servant, or a person elected, appointed, or otherwise designated to
13 become a public servant although not yet occupying that position, and the
14 receipt of the benefit is prohibited by this section.

15 (b) It is not a defense to a prosecution under this section that the
16 decision, opinion, recommendation, vote, or use of discretion, except for the
17 benefit, was otherwise proper.

18 (c) Abuse of public trust is a:

19 (1) Class B felony if the value of the benefit is twenty-five
20 thousand dollars (\$25,000) or more;

21 (2) Class C felony if the value of the benefit is five thousand
22 dollars (\$5,000) or more but less than twenty-five thousand dollars
23 (\$25,000); ~~or~~

24 (3) Class D felony if the value of the benefit is five hundred
25 dollars (\$500) or more but less than five thousand dollars (\$5,000); or

26 (4) Class A misdemeanor if the value of the benefit is less than
27 five hundred dollars (\$500) or the value of the benefit cannot be determined.

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29 SECTION 2. Arkansas Code § 5-52-107 is amended to read as follows:

30 5-52-107. Abuse of office.

31 (a) *A person commits the offense of abuse of office if, being a public*
32 *servant, or being a person elected, appointed, or otherwise designated to*
33 *become a public servant although not yet occupying that position, and with*
34 *the purpose of benefiting in a pecuniary fashion or obtaining a sexual favor*
35 *for himself or herself or another person or of harming another person, the*
36 *person knowingly:*

1 (1) Commits an unauthorized act which purports to be an act of
2 his or her office; or

3 (2) Omits to perform a duty imposed on him or her by law or
4 clearly inherent in the nature of his or her office.

5 (b) Abuse of office is a ~~Class B misdemeanor~~;

6 (1) Class B felony if the value of the benefit is twenty-five
7 thousand dollars (\$25,000) or more;

8 (2) Class C felony if the value of the benefit is five thousand
9 dollars (\$5,000) or more but less than twenty-five thousand dollars
10 (\$25,000);

11 (3) Class D felony if the value of the benefit is five hundred
12 dollars (\$500) or more but less than five thousand dollars (\$5,000); or

13 (4) Class A misdemeanor if the value of the benefit is less than
14 five hundred dollars (\$500) or the value of the benefit cannot be determined.

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16 /s/Tucker

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