

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 1924 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1669

5 By: Representatives Jackson, Bolin
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT PERSONS FROM SIMULTANEOUSLY
10 HOLDING THE POSITION OF JUSTICE OF THE PEACE AND
11 THE POSITION OF CITY COUNCIL MEMBER; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 AN ACT TO PROHIBIT PERSONS FROM
15 SIMULTANEOUSLY HOLDING THE POSITION OF
16 JUSTICE OF THE PEACE AND THE POSITION OF
17 CITY COUNCIL MEMBER.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 14-14-1202 is amended to read as follows:
24 14-14-1202. Ethics for county government officers and employees.

25 (a) Public Trust. The holding of public office or employment is a
26 public trust created by the confidence which the electorate reposes in the
27 integrity of officers and employees of county government. An officer or
28 employee shall carry out all duties assigned by law for the benefit of the
29 people of the county. The officer or employee may not use his office, the
30 influence created by his official position, or information gained by virtue
31 of his position to advance his individual personal economic interest or that
32 of an immediate member of his family or an associate, other than advancing
33 strictly incidental benefits as may accrue to any of them from the enactment
34 or administration of law affecting the public generally.

35 (b)(1) Officers and Employees of County Government Defined. For



1 purposes of this section, officers and employees of county government shall
2 include:

- 3 (A) All elected county and township officers;
- 4 (B) All district judicial officers serving a county;
- 5 (C) All members of county boards, advisory,
6 administrative, or subordinate service districts; and
- 7 (D) All employees thereof.

8 (2) Officials who are considered to be state officers or deputy
9 prosecuting attorneys are not covered by this subsection.

10 (c)(1) Rules of Conduct. No officer or employee of county government
11 shall:

12 (A) Be interested, either directly or indirectly, in any
13 contract or transaction made, authorized, or entered into on behalf of the
14 county or an entity created by the county, or accept or receive any property,
15 money, or other valuable thing, for his use or benefit on account of,
16 connected with, or growing out of any contract or transaction of a county.
17 If, in the purchase of any materials, supplies, equipment, or machinery for
18 the county, any discounts, credits, or allowances are given or allowed, they
19 shall be for the benefit of the county. It shall be unlawful for any officer
20 or employee to accept or retain them for his own use or benefit;

21 (B) Be a purchaser at any sale nor a vendor of any
22 purchase made by him in his official capacity;

23 (C) Acquire an interest in any business or undertaking
24 which he has reason to believe may be directly affected to its economic
25 benefit by official action to be taken by county government;

26 (D) Perform an official act directly affecting a business
27 or other undertaking to its economic detriment when he has a substantial
28 financial interest in a competing firm or undertaking. Substantial financial
29 interest is defined for purposes of this section as provided in Acts 1971,
30 No. 313, § 7 [Repealed].

31 (2)(A) If the quorum court determines that it is in the best
32 interest of the county, the quorum court may by ordinance permit the county
33 to purchase goods or services directly or indirectly from quorum court
34 members, county officers, or county employees due to unusual circumstances.
35 The ordinance permitting such purchases must specifically define the unusual
36 circumstances under which such purchases are allowed and the limitations of

1 such authority.

2 (B) Any quorum court member having any interest in the
3 goods or services being considered under these procedures shall not be
4 entitled to vote upon the approval of such goods or services.

5 (C) If goods or services are purchased under these
6 procedures, the county judge must file an affidavit with the county clerk
7 certifying that each disbursement has been made in accordance with the
8 provisions of the ordinance, together with a copy of the voucher and other
9 documents supporting the disbursement.

10 (3)(A) No person shall simultaneously hold office and serve as
11 an elected county justice of the peace and hold office and serve as an
12 elected city council member.

13 (B) This subdivision shall not cut short the term of any
14 office holder serving as such on September 1, 2005, but shall be implemented
15 during the next election cycle of each office.

16 (d) Removal from Office or Employment. (1) Court of Jurisdiction. Any
17 citizen of a county or the prosecuting attorney of a county may bring an
18 action in the circuit court in which the county government is located to
19 remove from office any officer or employee who has violated the rules of
20 conduct set forth in this section.

21 (2) Suspension Prior to Final Judgment. Pending final judgment,
22 an officer or employee who has been charged as provided in this section may
23 be suspended from his office or position of employment without pay.
24 Suspension of any officer or employee pending final judgment shall be upon
25 order of the circuit court, or judge thereof in vacation.

26 (3) Punishment. Judgment upon conviction for violation of the
27 rules of conduct set forth in this section shall be deemed a misdemeanor.
28 Punishment shall be by a fine of not less than three hundred dollars (\$300)
29 nor more than one thousand dollars (\$1,000), and the officer or employee
30 shall be removed from office or employment of the county.

31 (4) Acquittal. Upon acquittal, an officer or employee shall be
32 reinstated in his office or position of employment and shall receive all back
33 pay.

34 (5) Legal Fees. Any officer or employee charged as provided in
35 this section and subsequently acquitted shall be awarded reasonable legal
36 fees incurred in his defense. Reasonable legal fees shall be determined by

1 the circuit court or state Supreme Court on appeal, and such legal fees shall
2 be ordered paid out of the general fund of the county treasury.

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5 APPROVED: 04/11/2005
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