For An Act To Be Entitled
AN ACT TO AMEND CERTAIN CRIMINAL OFFENSES CONCERNING
ABUSES OF PUBLIC OFFICE; TO AMEND THE LAW CONCERNING
ABUSE OF OFFICE; TO AMEND THE LAW CONCERNING ABUSE OF
PUBLIC TRUST; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND CERTAIN CRIMINAL OFFENSES
CONCERNING ABUSES OF PUBLIC OFFICE; TO
AMEND THE LAW CONCERNING ABUSE OF OFFICE;
AND TO AMEND THE LAW CONCERNING ABUSE OF
PUBLIC TRUST.

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

SECTION 1. Arkansas Code § 5-52-101 is amended to read as follows:
(a) A person commits the offense of abuse of public trust if the person:
   (1) Solicits, accepts, or agrees to accept on behalf of any
   person, political party, or other organization any benefit from another
   person upon an agreement or understanding that the other person will or may
be appointed a public servant or designated or nominated as a candidate for
public office;

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

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

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

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

(c) Abuse of public trust is a:

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

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

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

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

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

(a) A person commits the offense of abuse of office if, being a public
servant, or being a person elected, appointed, or otherwise designated to
become a public servant although not yet occupying that position, and with
the purpose of benefiting in a pecuniary fashion or obtaining a sexual favor
for himself or herself or another person or of harming another person, the
person knowingly:
(1) Commits an unauthorized act which purports to be an act of
his or her office; or

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

(b) Abuse of office is a Class B misdemeanor:

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

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

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

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

/s/Tucker

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