

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/8/01 S2/22/01

A Bill

Act 452 of 2001
HOUSE BILL 1112

5 By: Representatives Parks, *Creekmore*
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 7-5-805 TO PROVIDE THAT
10 A MEMBER OF THE HOUSE OF REPRESENTATIVES CONVICTED OF
11 CRIMINAL FELONY SHALL BE SUSPENDED FROM THE
12 LEGISLATIVE PROCESS UNTIL FINAL ACTION BY THE HOUSE OF
13 REPRESENTATIVES; AND FOR OTHER PURPOSES.
14

Subtitle

16 PROVIDES THAT A MEMBER OF THE HOUSE OF
17 REPRESENTATIVES CONVICTED OF FELONY
18 SHALL BE SUSPENDED FROM THE LEGISLATIVE
19 PROCESS UNTIL FINAL ACTION BY THE HOUSE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 7-5-805(b)(1), concerning the procedure to
25 contest eligibility for a legislative office in the Arkansas House of
26 Representatives, is amended to read as follows:

27 (b)(1)(A) Any action to contest eligibility, qualification, or election
28 to serve as a member of the House of Representatives of the General Assembly
29 shall be initiated by filing a complaint with the Arkansas State Claims
30 Commission.

31 (B) This procedure shall apply to House election contests
32 pursuant to Arkansas Constitution, Article 5, § 11, to contests of eligibility
33 pursuant to Arkansas Constitution, Article 5, § 9, and to actions for
34 expulsion pursuant to Arkansas Constitution, Article 5, § 12, except that a
35 member of the House of Representatives shall be automatically suspended from
36 the legislative process if a Representative under felony criminal indictment

1 is subsequently found guilty or pleads guilty.

2 (C)(i) If a Representative under a felony criminal
3 indictment in any federal or state court is subsequently found guilty or
4 pleads guilty to the charges, then the Speaker of the House of Representatives
5 shall immediately declare the Representative suspended from the legislative
6 process and notification shall be given to the convicted Representative, all
7 members of the House, the Chief Clerk of the House, the Governor, the
8 Secretary of State, and the Auditor of State.

9 (ii) However, if a Representative who was found
10 guilty appeals that conviction, then the Representative may petition the House
11 Management Committee for a stay of the suspension from the legislative process
12 and the Committee may grant a stay upon the filing of the petition and a
13 notice of appeal to the relevant appellate court. The stay of the suspension
14 shall continue until the appeal is complete or until the House of
15 Representatives takes final action on the conviction.

16 (D) A Representative suspended from the legislative process
17 shall not participate in interim committee meetings or in extraordinary or
18 regular sessions of the General Assembly and shall not accept per diem and
19 mileage, but shall be eligible to retain the title of office and salary as a
20 member of the General Assembly and is authorized to assist constituents and
21 utilize legislative staff until a final action is taken by the House of
22 Representatives.

23 /s/ Parks

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26 APPROVED: 2/27/2001
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