

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 490

5 By: Senator T. Garner
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE CODE OF ETHICS
9 FOR PUBLIC OFFICERS AND EMPLOYEES; TO AMEND THE LAW
10 CONCERNING HOLDING OFFICE IF CONVICTED OF A PUBLIC
11 TRUST CRIME; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING THE CODE OF
15 ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES;
16 AND TO AMEND THE LAW CONCERNING HOLDING
17 OFFICE IF CONVICTED OF A PUBLIC TRUST
18 CRIME.
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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 § 21-8-305 is amended to read as follows:

25 21-8-305. Person convicted of public trust crime ineligible as
26 candidate for ~~constitutional office~~ or to hold ~~constitutional~~ office.

27 (a) If a person has pleaded guilty or nolo contendere to or has been
28 found guilty of a public trust crime, he or she shall not:

29 (1) File as a candidate for:

30 (A) a constitutional office;

31 (B) A county elected office; or

32 (C) An elected office in a municipality, city, township,
33 or other political subdivision of the state;

34 (2) Run as a candidate for:

35 (A) a constitutional office;

36 (B) A county elected office; or



1 (C) An elected office in a municipality, city, township,
2 or other political subdivision of the state; or

3 (3) Hold:

4 (A) a A constitutional office;

5 (B) A county elected office; or

6 (C) An elected office in a municipality, city, township,
7 or other political subdivision of the state.

8 (b)(1) The sealing of any public trust crime or any similar offense
9 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
10 seq., or any sealing or expungement act in any jurisdiction shall not restore
11 a privilege, eligibility, or qualification to file as a candidate for, run as
12 a candidate for, or hold ~~a constitutional~~ an elected office under this
13 section.

14 (2) A person who has pleaded guilty or nolo contendere to or has
15 been found guilty of a public trust crime that was sealed or expunged as
16 described in subdivision (b)(1) of this section:

17 (A) Upon inquiry, shall disclose the fact and nature of
18 the crime which the person pleaded guilty or nolo contendere to or was found
19 guilty of; and

20 (B) Shall not publicly state or affirm under oath that
21 the:

22 (i) Conduct underlying the plea or finding did not
23 occur;

24 (ii) Record of the underlying plea or finding does
25 not exist; or

26 (iii) Person has not been convicted of a criminal
27 offense.

28 (3) If a person has pleaded guilty or nolo contendere to or has
29 been found guilty of a public trust crime or similar offense that was sealed
30 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et
31 seq., or any sealing or expungement act in any jurisdiction, evidence of the
32 plea, finding, and conduct underlying the plea or finding shall be admissible
33 in a court of competent jurisdiction for an action concerning the person's
34 filing for, candidacy for, or holding of ~~a constitutional~~ an elected office.

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36 **APPROVED: 4/1/21**