

Stricken language would be deleted from and underlined language would be added to present law.

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  
person:

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(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



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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