

# Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

## Amendment Form

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**Subtitle of House Bill No. 1984**

TO AMEND ARKANSAS LAW CONCERNING EXECUTIVE SESSIONS UNDER THE FREEDOM OF  
INFORMATION ACT OF 1967.

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**Amendment No. 2 to House Bill No. 1984**

Amend House Bill No. 1984 as engrossed, H3/17/15 (version: 03/17/2015 04:52:12 PM):

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 25-19-104 is amended to read as follows:  
25-19-104. Penalty.

(a) Any Except as provided in this section, any person who negligently violates any of the provisions of this chapter shall be upon conviction is guilty of a Class C misdemeanor.

(b)(1) A person commits the offense of unlawful calling of an executive session if the person knowingly makes a motion or otherwise requests or calls for an executive session in violation of § 25-19-106.

(2) Unlawful calling of an executive session is a Class A misdemeanor.

(3)(A) A person convicted of unlawful calling of an executive session is ineligible to hold a public office or employment in any of the departments in this state.

(B)(i) If a person is convicted of unlawful calling of an executive session while employed by any of the departments of this state, he or she shall be removed from employment immediately.

(ii) If a person is convicted of unlawful calling of an executive session while holding public office, the conviction is a misfeasance and malfeasance in office and subjects the person to impeachment.

(c)(1) A person commits the offense of unlawful participation in an executive session if the person knowingly engages in the discussion of matters in an executive session that are not permitted under § 25-19-106.

(2) Unlawful participation in an executive session is a Class A misdemeanor.

(3)(A) A person convicted of unlawful participation in an executive session is ineligible to hold a public office or employment in any of the departments in this state.

(B)(i) If a person is convicted of unlawful participation in an executive session while employed by any of the departments of this state, he or she shall be removed from employment immediately.

(ii) If a person is convicted of unlawful



participation in an executive session while holding public office, the conviction is a misfeasance and malfeasance in office and subjects the person to impeachment.

(d)(1) A person commits the offense of negligent calling of an executive session if the person negligently makes a motion or otherwise requests or calls for an executive session in violation of § 25-19-106.

(2) Negligent calling of an executive session is a Class C misdemeanor.

(e)(1) A person commits the offense of negligent participation in an executive session if the person negligently engages in the discussion of matters in an executive session that are not permitted under § 25-19-106.

(2) Negligent participation in an executive session is a Class C misdemeanor.

(f) It is a defense to prosecution under subsections (b)-(e) of this section if:

(1) The executive session did not convene; or

(2) The defendant objected to the discussion of matters in an executive session that are not permitted under § 25-19-106 and left the executive session immediately following his or her objection."

The Amendment was read \_\_\_\_\_

By: Representative Bell

MBM/KFW - 03-25-2015 19:13:16

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Chief Clerk