



Arkansas
Sentencing
Commission

Impact Assessment for SB85
Sponsored by Senators Teague,
K. Ingram, Elliot, et al.

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.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year.

Change from current law² Amends Arkansas Code Annotated § 5-52-101, Abuse of public trust. Under the proposed bill, a person elected, appointed, or otherwise designated to become a public servant *but not yet occupying the position* can be charged with this offense if he or she gives or receives a benefit. Currently, a person must occupy the position to be convicted under this code provision. Abuse of public trust as currently codified is penalized as follows: a Class B felony if the value of the benefit is twenty-five thousand dollars (\$25,000) or more; a 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 a Class D felony if the value of the benefit is less than five thousand dollars (\$5,000). The proposed bill amends the current penalty scheme. This bill creates a Class A misdemeanor if the value of the benefit is less than five hundred dollars (\$500), and amends the Class D felony to limit the value to five hundred dollars (\$500) or more but less than five thousand dollars (\$5,000).

Amends Arkansas Code Annotated § 5-52-107, Abuse of office. Under the proposed bill, a person elected, appointed, or otherwise designated to become a public servant *but not yet occupying the position* can be charged with this offense if he or she obtains any benefit, pecuniary or otherwise. Currently, a person must be a public servant to be convicted under this code provision. Abuse of office as currently codified is a Class B misdemeanor, regardless of the value of the benefit obtained. Under the proposed bill, the penalty is increased as follows: a Class A misdemeanor if the value of the benefit is less than five hundred dollars (\$500); a Class D felony if the value of the benefit is five hundred dollars (\$500) or more but less than five thousand dollars (\$5,000); a 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 a Class B felony if the value of the benefit is twenty-five thousand dollars (\$25,000) or more.

¹ This impact assessment was prepared (1/10/2017, 2:25 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class B	Up to 90 days; up to \$1,000
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class C	Up to 30 days; up to \$500

Impact Information

The Administrative Office of the Courts (AOC) reports for the three year period beginning January 1, 2013, and ending December 31, 2015, there were five (5) convictions for a violation of § 5-52-107, Abuse of office, a Class B misdemeanor, as currently written.

The AOC reports for the three year period beginning January 1, 2013, and ending December 31, 2015, there was one (1) conviction for a violation of § 5-52-101, Abuse of public trust, a Class D felony, as currently written.

The Arkansas Department of Correction reports that as of January 5, 2017, there are no inmates serving a sentence under A.C.A. § 5-52-101, Abuse of public trust, as currently written.