

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1006

5 By: Representatives Tucker, V. Flowers, D. Ferguson, Leding, Sabin, D. Whitaker  
6 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

9 AN ACT TO AMEND CERTAIN CRIMINAL OFFENSES CONCERNING  
10 ABUSES OF PUBLIC OFFICE; TO AMEND THE LAW CONCERNING  
11 ABUSE OF OFFICE; TO AMEND THE LAW CONCERNING ABUSE OF  
12 PUBLIC TRUST; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND CERTAIN CRIMINAL OFFENSES  
16 CONCERNING ABUSES OF PUBLIC OFFICE; TO  
17 AMEND THE LAW CONCERNING ABUSE OF OFFICE;  
18 AND TO AMEND THE LAW CONCERNING ABUSE OF  
19 PUBLIC TRUST.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 5-52-101 is amended to read as follows:  
26 5-52-101. Abuse of public trust.

27 (a) A person commits the offense of abuse of public trust if the  
28 person:

29 (1) Solicits, accepts, or agrees to accept on behalf of any  
30 person, political party, or other organization any benefit from another  
31 person upon an agreement or understanding that the other person will or may  
32 be appointed a public servant or designated or nominated as a candidate for  
33 public office;

34 (2) Offers, confers, or agrees to confer any benefit and the  
35 receipt of the benefit is prohibited by this section;

36 (3) Solicits, accepts, or agrees to accept any benefit as



1 compensation or consideration for having given as a public servant ~~given, or~~  
 2 as a person elected, appointed, or otherwise designated to become a public  
 3 servant although not yet occupying that position, a decision, opinion,  
 4 recommendation, or vote favorable to another person or for having otherwise  
 5 exercised his or her discretion in favor of another person; or

6 (4) Offers, confers, or agrees to confer any benefit upon a  
 7 public servant, or a person elected, appointed, or otherwise designated to  
 8 become a public servant although not yet occupying that position, and the  
 9 receipt of the benefit is prohibited by this section.

10 (b) It is not a defense to a prosecution under this section that the  
 11 decision, opinion, recommendation, vote, or use of discretion, except for the  
 12 benefit, was otherwise proper.

13 (c) Abuse of public trust is a:

14 (1) Class B felony if the value of the benefit is twenty-five  
 15 thousand dollars (\$25,000) or more;

16 (2) Class C felony if the value of the benefit is five thousand  
 17 dollars (\$5,000) or more but less than twenty-five thousand dollars  
 18 (\$25,000); ~~or~~

19 (3) Class D felony if the value of the benefit is five hundred  
 20 dollars (\$500) or more but less than five thousand dollars (\$5,000); or

21 (4) Class A misdemeanor if the value of the benefit is less than  
 22 five hundred dollars (\$500).

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 24 SECTION 2. Arkansas Code § 5-52-107 is amended to read as follows:  
 25 5-52-107. Abuse of office.

26 (a) A person commits the offense of abuse of office if, being a public  
 27 servant, or being a person elected, appointed, or otherwise designated to  
 28 become a public servant although not yet occupying that position, and with  
 29 the purpose of ~~benefiting in a pecuniary fashion~~ obtaining any benefit,  
 30 pecuniary or otherwise, for himself or herself or another person or of  
 31 harming another person, the person knowingly:

32 (1) Commits an unauthorized act which purports to be an act of  
 33 his or her office; or

34 (2) Omits to perform a duty imposed on him or her by law or  
 35 clearly inherent in the nature of his or her office.

36 (b) Abuse of office is a ~~Class B misdemeanor;~~

1           (1) Class B felony if the value of the benefit is twenty-five  
2 thousand dollars (\$25,000) or more;

3           (2) Class C felony if the value of the benefit is five thousand  
4 dollars (\$5,000) or more but less than twenty-five thousand dollars  
5 (\$25,000);

6           (3) Class D felony if the value of the benefit is five hundred  
7 dollars (\$500) or more but less than five thousand dollars (\$5,000); or

8           (4) Class A misdemeanor if the value of the benefit is less than  
9 five hundred dollars (\$500).

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