

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

A Bill

SENATE BILL 85

4
5 By: Senators Teague, K. Ingram, Elliott, L. Chesterfield, U. Lindsey, Maloch, E. Cheatham, S. Flowers
6 By: Representatives Tucker, V. Flowers, D. Ferguson, Leding, Sabin, D. Whitaker

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.

Subtitle

16 TO AMEND CERTAIN CRIMINAL OFFENSES
17 CONCERNING ABUSES OF PUBLIC OFFICE; TO
18 AMEND THE LAW CONCERNING ABUSE OF OFFICE;
19 AND TO AMEND THE LAW CONCERNING ABUSE OF
20 PUBLIC TRUST.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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).

23
 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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