



Arkansas  
Sentencing  
Commission

**Impact Assessment for HB1006**  
**Sponsored by Representatives Tucker,**  
**V. Flowers, 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 Summary**<sup>1</sup> Minimal, affecting fewer than ten offenders per year.

**Change from current law**<sup>2</sup> 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.

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<sup>1</sup> 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.

<sup>2</sup> 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 that 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 that 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.