



*Arkansas
Sentencing
Commission*

**Impact Assessment for SB852
Sponsored by Senator Elliot
& Representative Tucker**

Subtitle CONCERNING THE CRIMINAL OFFENSE OF ABUSE OF PUBLIC TRUST.

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

Change from current law² Amends A.C.A. § 5-52-101, Abuse of public trust, by creating additional penalties based on the value of the benefit. Under current law, Abuse of public trust is a Class D felony regardless of the value of the benefit.

Under the proposed bill, Abuse of public trust is penalized as follows: a Class D felony if the value of the benefit is 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.

Impact Information

The Arkansas Department of Correction (ADC) reports there is currently one (1) inmate serving a term of incarceration for a violation of A.C.A. § 5-52-101, Abuse of public trust, a Class D felony, as currently written.

The Administrative Office of the Courts reports in the last three years, there were two (2) convictions for a violation of A.C.A. § 5-52-101, Abuse of public trust, Class D felony, as currently written.

¹ This impact assessment was prepared (3/11/2015 at 1:53 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 A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500