

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H1/17/97 H1/23/97 H1/30/97 H2/3/97 H2/28/97

A Bill

HOUSE BILL 1009

4 By: Representatives Pappas, Milum, Kidd and Wilkinson

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For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT *PERSONS ELECTED TO PUBLIC OFFICE*
9 *OR EMPLOYED BY A GOVERNMENTAL ENTITY HEREAFTER AND*
10 *SUBSEQUENTLY CONVICTED OF A FELONY RELATING TO PUBLIC*
11 *SERVICE SHALL FORFEIT THEIR OFFICE OR EMPLOYMENT AND*
12 *PUBLICLY-FUNDED RETIREMENT BENEFITS ACCRUED AFTER THE*
13 *EFFECTIVE DATE OF THIS ACT; AND FOR OTHER PURPOSES."*

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Subtitle

16 "TO PROVIDE THAT *PERSONS ELECTED TO*
17 *PUBLIC OFFICE OR EMPLOYED BY A*
18 *GOVERNMENTAL ENTITY HEREAFTER AND*
19 *SUBSEQUENTLY CONVICTED OF A FELONY*
20 *RELATING TO PUBLIC SERVICE SHALL FORFEIT*
21 *THEIR OFFICE AND PUBLICLY-FUNDED*
22 *RETIREMENT BENEFITS ACCRUED AFTER THE*
23 *EFFECTIVE DATE OF THIS ACT."*

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

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27 *SECTION 1. (a) Any person elected after the effective date of this act*
28 *to any state, county, city, township or district office or employed by a*
29 *governmental entity after the effective date of this act shall forfeit the*
30 *office or employment and shall forfeit any publicly-funded retirement benefits*
31 *accrued after the effective date of this act if the person pleads guilty or*
32 *nolo contendere to or is found guilty, in a court of record of this state or*
33 *any federal court, of a felony that relates to the person's public service and*
34 *which was committed after the effective date of this act. The office is*
35 *hereby declared to be vacant beginning the day following the plea or finding*
36 *and the vacancy shall be filled as prescribed by law. If the person was a*

1 government employee, the employment shall be deemed terminated beginning the
2 day following the plea or finding. The provisions of this act shall not be
3 construed to affect the rights of retirement benefits awarded to a former
4 spouse by virtue of a divorce decree, nor shall this act be construed to
5 affect any rights of widows or surviving children of the person who forfeited
6 retirements benefits hereunder.

7 (b) When a person described in subsection (a) of this section is found
8 guilty or pleads guilty or nolo contendere to a felony, the judge of the court
9 shall make a determination at that time whether the felony is related to the
10 person's public service.

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12 SECTION 2. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 3. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 4. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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25 /s/Rep. Pappas et al

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