

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H1/19/05

A Bill

HOUSE BILL 1145

5 By: Representatives Clemons, *Flowers*
6
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For An Act To Be Entitled

9 AN ACT TO ESTABLISH A FEDERAL CONVICTION AS
10 GROUNDS FOR REMOVAL FROM MUNICIPAL OFFICE; AND
11 FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO ESTABLISH A FEDERAL CONVICTION
15 AS GROUNDS FOR REMOVAL FROM MUNICIPAL
16 OFFICE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 21, Chapter 12, Subchapter 3 is amended
22 to add an additional section to read as follows:

23 21-12-305. Removal of municipal officer for federal offense.

24 (a) Upon petition by the prosecuting attorney to the circuit court
25 having jurisdiction, any municipal officer who pleads guilty or nolo
26 contendere to, or is found guilty of, a federal offense involving
27 incompetency, corruption, gross immorality, or criminal conduct amounting to
28 a felony, malfeasance, misfeasance, or nonfeasance in office shall be removed
29 from office.

30 (b) The clerk of the court at the close of the term shall transmit to
31 the Governor a certified transcript of the information or indictment with the
32 judgment of the court.

33 (c) The vacancy shall be filled as may be prescribed by law at the
34 time the vacancy occurs.
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36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General



1 Assembly of the State of Arkansas that there is currently no statute that
2 authorizes the removal of a municipal official who pleads guilty or nolo
3 contendere to, or is found guilty of, a federal offense. Therefore, an
4 emergency is declared to exist and this act being immediately necessary for
5 the preservation of the public peace, health, and safety shall become
6 effective on:

7 (1) The date of its approval by the Governor;

8 (2) If the bill is neither approved nor vetoed by the Governor, the
9 expiration of the period of time during which the Governor may veto the bill;
10 or

11 (3) If the bill is vetoed by the Governor and the veto is overridden,
12 the date the last house overrides the veto.

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14 /s/ Clemons, et al
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