

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 H1/21/05

A Bill

HOUSE BILL 1145

5 By: Representatives Clemons, Flowers, Adams, Bradford, Maxwell, Rainey, Rankin
6 By: Senator J. Taylor
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For An Act To Be Entitled

10 AN ACT TO ESTABLISH A FEDERAL *OFFENSE* AS GROUNDS
11 FOR REMOVAL FROM MUNICIPAL OFFICE; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO ESTABLISH A FEDERAL *OFFENSE* AS
16 GROUNDS FOR REMOVAL FROM MUNICIPAL
17 OFFICE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1.

23 Removal of municipal officer for federal offense.

24 (a) Upon petition by any citizen of the municipality or the
25 prosecuting attorney to the circuit court having jurisdiction, any municipal
26 officer who pleads guilty or nolo contendere to, or is found guilty of, a
27 federal offense involving embezzlement of public funds, bribery, forgery, or
28 other infamous crime, or criminal conduct amounting to a felony, malfeasance,
29 misfeasance, or nonfeasance in office shall be removed from office.

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