

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 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 780

4
5 By: Senators B. Pritchard, Altes, G. Baker, Bledsoe, Bookout, Faris, Glover, Horn, J. Jeffress, D.
6 Johnson, J. Key, T. Smith, J. Taylor, R. Thompson, Trusty, Wilkinson, D. Wyatt
7 By: Representatives Sample, M. Martin, J. Rogers, J. Burris, M. Burris, Carter, Clemmer, Dale,
8 Dismang, Dunn, Everett, Gaskill, Glidewell, R. Green, Hoyt, King, Lowery, Nickels, Pyle, Ragland, J.
9 Roebuck, T. Rogers, Wells

For An Act To Be Entitled

10
11
12 AN ACT TO PROVIDE FORFEITURE OF OR
13 DISQUALIFICATION FROM PUBLIC EMPLOYMENT ON
14 CONVICTION OF AN OFFENSE RELATED TO PUBLIC
15 EMPLOYMENT; AND FOR OTHER PURPOSES.
16

Subtitle

17
18 TO PROVIDE FORFEITURE OF OR
19 DISQUALIFICATION FROM PUBLIC EMPLOYMENT
20 ON CONVICTION OF AN OFFENSE RELATED TO
21 PUBLIC EMPLOYMENT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code Title 25, Chapter 16 is amended to add an
28 additional subchapter to read as follows:

29 25-16-1101. Legislative intent.

30 (a)(1) It is the policy of the State of Arkansas to promote integrity
31 in public employment.

32 (2) A public servant must avoid criminal activity that relates
33 to or involves his or her office, position, or employment and will face
34 forfeiture of his or her current employment and disqualification from future
35 public employment as a penalty for pleading guilty or nolo contendere to or
36 if he or she is found guilty of any criminal activity.



1 (b) It is the intent of this act to require that a public official who
2 pleads guilty to or nolo contendere to or is found guilty of any felony
3 offense relating to his or her office, position, or employment to forfeit his
4 or her office, position, or employment and thereafter he or she is
5 disqualified from holding any office, position, or employment with a
6 governmental body.

7
8 25-16-1102. Definitions.

9 As used in this subchapter:

10 (1) "Governmental body" means any office, department,
11 commission, council, board, committee, legislative body, agency, or other
12 establishment of the executive, judicial, or legislative branch of the state,
13 municipality, county, school district, improvement district, or any political
14 district or subdivision;

15 (2) "Offense" means conduct for which a sentence to a term of
16 imprisonment or fine or both is authorized by statute;

17 (3) "Public servant" means a public official, public employee,
18 or public appointee; and

19 (4) "Relating to" means an offense that directly involves a
20 person's performance in the office, position, or employment held by a person
21 in a governmental body.

22
23 25-16-1103. Forfeiture of office.

24 A public servant holding any office, position, or employment in a
25 governmental body shall forfeit the office, position, or employment if he or
26 she pleads guilty or nolo contendere to or is found guilty of a felony
27 offense relating to the public servant's office, position, or employment.

28
29 25-16-1104. Disqualification from office.

30 A person who pleads guilty or nolo contendere to or is found guilty of
31 a felony offense relating to his or her office, position, or employment in a
32 governmental body shall be disqualified and barred from holding any office,
33 position, or employment in a governmental body.

34
35 25-16-1105. Enforcement.

36 (a)(1) Forfeiture of an office, position, or employment may be raised

1 at the time a public servant pleads guilty or nolo contendere to or is found
2 guilty of a felony offense relating to his or her office, position, or
3 employment in a governmental body.

4 (2) If the issue of forfeiture is raised, a circuit court shall
5 order forfeiture of an office, position, or employment upon a finding that §
6 25-16-1103 applies to the public servant.

7 (b) If the issue of forfeiture is not raised under subsection (a) of
8 this section, an action may be brought to remove the public servant in the
9 manner provided by law to prevent usurpation of office under § 16-118-105.

10 (c) If a person holding an office, position, or employment in any
11 governmental body is disqualified from the office, position, or employment
12 under § 25-16-1104, an action may be brought to remove the person in the
13 manner provided by law to prevent usurpation of office under § 16-118-105.

14 (d) This section shall not prohibit a taxpayer from bringing a civil
15 action under Article 16, Section 13 of the Arkansas Constitution.

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17 25-16-1106. Applicability.

18 (a) This subchapter shall apply to a public servant that, on or after
19 the effective date of this act, pleads guilty or nolo contendere to or is
20 found guilty of a felony offense relating to his or her office, position, or
21 employment in any governmental body.

22 (b) This subchapter shall not supersede any provision of Arkansas law
23 which provides forfeiture of or disqualification from service as a public
24 servant for an offense other than a felony.

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