

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
4

As Engrossed: S3/12/09

A Bill

SENATE BILL 780

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
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11

For An Act To Be Entitled

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

32 (b) It is the intent of this act to require that a public
33 servant who pleads guilty to or nolo contendere to or is found guilty of any
34 felony offense relating to his or her office, position, or employment to
35 forfeit his or her office, position, or employment and thereafter he or she
36 is disqualified from holding any office, position, or employment with a



1 governmental body.

2
3 25-16-1102. Definitions.

4 As used in this subchapter:

5 (1) "Governmental body" means any office, department,
6 commission, council, board, committee, legislative body, agency, or other
7 establishment of the executive, judicial, or legislative branch of the state,
8 municipality, county, school district, institution of higher education,
9 improvement district, or any political district or subdivision;

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

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

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

17
18 25-16-1103. Forfeiture of office.

19 (a) Except as provided in subsection (b) of this section, a public
20 servant holding any office, position, or employment in a governmental body
21 shall forfeit the office, position, or employment if he or she pleads guilty
22 or nolo contendere to or is found guilty of a felony offense relating to the
23 public servant's office, position, or employment.

24 (b) This section shall not apply to a member of the General Assembly
25 subject to removal from office under Article 5 of the Arkansas Constitution.

26
27 25-16-1104. Disqualification from office.

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

32
33 25-16-1105. Enforcement.

34 (a)(1) Forfeiture of an office, position, or employment may be raised
35 at the time a public servant pleads guilty or nolo contendere to or is found
36 guilty of a felony offense relating to his or her office, position, or

1 employment in a governmental body.

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

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

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

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

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15 25-16-1106. Applicability.

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

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

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24 25-16-1107. Effect of expungement.

25 An expunged record shall not serve as the basis for forfeiture of
26 office or disqualification from office under this subchapter.

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28 /s/ B. Pritchard
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