

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative Bell
6

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1984

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING EXECUTIVE
9 SESSIONS UNDER THE FREEDOM OF INFORMATION ACT OF
10 1967; AND FOR OTHER PURPOSES.

Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING
15 EXECUTIVE SESSIONS UNDER THE FREEDOM OF
16 INFORMATION ACT OF 1967.

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

21 *SECTION 1. Arkansas Code § 25-19-104 is amended to read as follows:*
22 *25-19-104. Penalty.*

23 *(a) Any Except as provided in this section, any person who negligently*
24 *violates any of the provisions of this chapter shall be guilty of a Class C*
25 *misdemeanor.*

26 *(b)(1) A person commits unlawful calling of an executive session if*
27 *the person negligently makes a motion for an executive session in violation*
28 *of § 25-19-106.*

29 *(2) Unlawful calling of an executive session is a Class C*
30 *felony.*

31 *(3)(A) A person convicted of unlawful calling of an executive*
32 *session is ineligible to hold an office or employment in any of the*
33 *departments in this state.*

34 *(B)(i) If a person is convicted of unlawful calling of an*
35 *executive session while employed by any of the departments of this state, he*
36 *or she shall be removed from employment immediately.*



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(ii) If a person is convicted of unlawful calling of an executive session while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.

(4) It is a defense to prosecution under this section if an executive session is unlawfully called for but does not convene.

/s/Bell