

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1817

5 By: Representative Perry  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE ELIGIBILITY OF  
9 A PERSON TO FILE, RUN, OR HOLD OFFICE; TO AMEND THE  
10 LAW CONCERNING PERSONS CONVICTED OF PUBLIC TRUST  
11 CRIMES TO HOLD OFFICE; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

14 TO AMEND THE LAW CONCERNING THE  
15 ELIGIBILITY OF A PERSON TO FILE, RUN, OR  
16 HOLD OFFICE; AND TO AMEND THE LAW  
17 CONCERNING THE ELIGIBILITY OF PERSONS  
18 CONVICTED OF PUBLIC TRUST CRIMES TO HOLD  
19 OFFICE.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 21-8-305 is amended to read as follows:  
26 21-8-305. Person convicted of public trust crime ineligible as  
27 candidate for office or to hold office.

28 (a) ~~If~~ Except as provided in subdivision (b)(1) of this section, if a  
29 person has pleaded guilty or nolo contendere to or has been found guilty of a  
30 public trust crime, is not sealed or expunged under the Comprehensive  
31 Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., and is not an  
32 office identified under subdivision (b)(1) of this section, he or she shall  
33 not:

- 34 (1) File as a candidate for:  
35 (A) A constitutional office;  
36 (B) A county elected office; or



1 (C) An elected office in a municipality, city, township,  
 2 or other political subdivision of the state;

3 (2) Run as a candidate for:

4 (A) A constitutional office;

5 (B) A county elected office; or

6 (C) An elected office in a municipality, city, township,  
 7 or other political subdivision of the state; or

8 (3) Hold:

9 (A) A constitutional office;

10 (B) A county elected office; or

11 (C) An elected office in a municipality, city, township,  
 12 or other political subdivision of the state.

13 (b)(1) The sealing of any public trust crime or any similar offense  
 14 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et  
 15 seq., or any sealing or expungement act in any jurisdiction shall not restore  
 16 a privilege, eligibility, or qualification to file as a candidate for, run as  
 17 a candidate for, or hold an elected office under this section unless:

18 (A) The offense sealed or expunged is a misdemeanor  
 19 offense; and

20 (B) The elected office is for the:

21 (i) School board;

22 (ii) City council;

23 (ii) Quorum court; or

24 (iii) County township.

25 (2) A person who has pleaded guilty or nolo contendere to or has  
 26 been found guilty of a public trust crime that was sealed or expunged as  
 27 described in subdivision (b)(1) of this section if running for an office not  
 28 included under subdivision (b)(1) of this section:

29 (A) Upon inquiry, shall disclose the fact and nature of  
 30 the crime which the person pleaded guilty or nolo contendere to or was found  
 31 guilty of; and

32 (B) Shall not publicly state or affirm under oath that  
 33 the:

34 (i) Conduct underlying the plea or finding did not  
 35 occur;

36 (ii) Record of the underlying plea or finding does

1 not exist; or

2 (iii) Person has not been convicted of a criminal  
3 offense.

4 (3) ~~If~~ Except as provided in subdivision (b)(1) of this section,  
5 if a person has pleaded guilty or nolo contendere to or has been found guilty  
6 of a public trust crime or similar offense that was sealed under the  
7 Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., or  
8 any sealing or expungement act in any jurisdiction, evidence of the plea,  
9 finding, and conduct underlying the plea or finding shall be admissible in a  
10 court of competent jurisdiction for an action concerning the person's filing  
11 for, candidacy for, or holding of an elected office.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36