

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 650

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROHIBIT A PERSON CONVICTED OF A PUBLIC TRUST CRIME FROM FILING AS A CANDIDATE FOR A CONSTITUTIONAL OFFICE OR FROM RUNNING AS A CANDIDATE FOR A PUBLIC OFFICE; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT A PERSON CONVICTED OF A PUBLIC TRUST CRIME FROM FILING AS A CANDIDATE FOR A CONSTITUTIONAL OFFICE OR FROM RUNNING AS A CANDIDATE FOR A PUBLIC OFFICE.

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

SECTION 1. Arkansas Code § 21-8-301, concerning the definitions regarding the code of ethics for public officers and employees, is amended to add additional subdivisions to read as follows:

(6) "Constitutional office" means the offices of Governor, Lieutenant Governor, Auditor of State, Treasurer of State, Secretary of State, Commissioner of State Lands, the Attorney General, the General Assembly, Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, and district judge; and

(7) "Public trust crime" means a crime prohibited under Arkansas Constitution, Article 5, § 9.

SECTION 2. Arkansas Code Title 21, Chapter 8, Subchapter 3, is amended to add an additional section to read as follows:



21-8-305. Person convicted of public trust crime ineligible as candidate for constitutional office or to hold constitutional office.

(a) If a person has pleaded guilty or nolo contendere to or has been found guilty of a public trust crime, he or she shall not:

- (1) File as a candidate for a constitutional office;
- (2) Run as a candidate for a constitutional office; or
- (3) Hold a constitutional office.

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

(2) A person who has pleaded guilty or nolo contendere to or has been found guilty of a public trust crime that was sealed or expunged as described in subdivision (b)(1) of this section:

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

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

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

(ii) Record of the underlying plea or finding does not exist; or

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

(3) If a person has plead guilty or nolo contendere to or has been found guilty of a public trust crime or similar offense that was sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401, et seq. or any sealing or expungement act in any jurisdiction, evidence of the plea, finding, and conduct underlying the plea or finding shall be admissible in a court of competent jurisdiction for an action concerning the person's filing for, candidacy for, or holding of a constitutional office.

APPROVED: 4/11/19