

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 490

By: Senator T. Garner

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES; TO AMEND THE LAW CONCERNING HOLDING OFFICE IF CONVICTED OF A PUBLIC TRUST CRIME; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES; AND TO AMEND THE LAW CONCERNING HOLDING OFFICE IF CONVICTED OF A PUBLIC TRUST CRIME.

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

SECTION 1. Arkansas Code § 21-8-305 is amended 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) a constitutional office;

(B) A county elected office; or

(C) An elected office in a municipality, city, township,

or other political subdivision of the state;

(2) Run as a candidate for:

(A) a constitutional office;

(B) A county elected office; or



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

(3) Hold:

(A) a constitutional office;

(B) A county elected office; or

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

(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~~ an elected 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 pleaded 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~~ an elected office.

APPROVED: 4/1/21