

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/17/15 H3/27/15

# A Bill

HOUSE BILL 1984

By: Representative Bell

## For An Act To Be Entitled

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

### Subtitle

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

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

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

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

*(b)(1) A person commits the offense of unlawful calling of an executive session if the person knowingly makes a motion or otherwise requests or calls for an executive session in violation of § 25-19-106.*

*(2) Unlawful calling of an executive session is a Class A misdemeanor.*

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

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



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

(c)(1) A person commits the offense of unlawful participation in an executive session if the person knowingly engages in the discussion of matters in an executive session that are not permitted under § 25-19-106.

(2) Unlawful participation in an executive session is a Class A misdemeanor.

(3)(A) A person convicted of unlawful participation in an executive session is ineligible to hold a public office or employment in any of the departments in this state.

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

(ii) If a person is convicted of unlawful participation in an executive session while holding public office, the conviction is a misfeasance and malfeasance in office and subjects the person to impeachment.

(d)(1) A person commits the offense of negligent calling of an executive session if the person negligently makes a motion or otherwise requests or calls for an executive session in violation of § 25-19-106.

(2) Negligent calling of an executive session is a Class C misdemeanor.

(e)(1) A person commits the offense of negligent participation in an executive session if the person negligently engages in the discussion of matters in an executive session that are not permitted under § 25-19-106.

(2) Negligent participation in an executive session is a Class C misdemeanor.

(f) It is a defense to prosecution under subsections (b)-(e) of this section if:

(1) The executive session did not convene; or

(2) The defendant objected to the discussion of matters in an executive session that are not permitted under § 25-19-106 and left the executive session immediately following his or her objection.

/s/Bell