

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 852

By: Senator Elliott
By: Representative Tucker

For An Act To Be Entitled

AN ACT CONCERNING THE CRIMINAL OFFENSE OF ABUSE OF
PUBLIC TRUST; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE CRIMINAL OFFENSE OF ABUSE
OF PUBLIC TRUST.

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

SECTION 1. Arkansas Code § 5-52-101 is amended to read as follows:
5-52-101. Abuse of public trust.

(a) A person commits the offense of abuse of public trust if the
person:

(1) Solicits, accepts, or agrees to accept on behalf of any
person, political party, or other organization any benefit from another
person upon an agreement or understanding that the other person will or may
be appointed a public servant or designated or nominated as a candidate for
public office;

(2) Offers, confers, or agrees to confer any benefit and the
receipt of the benefit is prohibited by this section;

(3) Solicits, accepts, or agrees to accept any benefit as
compensation or consideration for having as a public servant given a
decision, opinion, recommendation, or vote favorable to another person or for
having otherwise exercised his or her discretion in favor of another person;
or

(4) Offers, confers, or agrees to confer any benefit upon a



public servant and the receipt of the benefit is prohibited by this section.

(b) It is not a defense to a prosecution under this section that the decision, opinion, recommendation, vote, or use of discretion, except for the benefit, was otherwise proper.

(c) Abuse of public trust is a:

(1) Class B felony if the value of the benefit is twenty-five thousand dollars (\$25,000) or more;

(2) Class C felony if the value of the benefit is five thousand dollars (\$5,000) or more but less than twenty-five thousand dollars (\$25,000); or

(3) Class D felony if the value of the benefit is less than five thousand dollars (\$5,000).