

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 85

By: Senators Teague, K. Ingram, Elliott, L. Chesterfield, U. Lindsey, Maloch, E. Cheatham, S. Flowers
By: Representatives Tucker, V. Flowers, D. Ferguson, Leding, Sabin, D. Whitaker

For An Act To Be Entitled

AN ACT TO AMEND CERTAIN CRIMINAL OFFENSES CONCERNING ABUSES OF PUBLIC OFFICE; TO AMEND THE LAW CONCERNING ABUSE OF OFFICE; TO AMEND THE LAW CONCERNING ABUSE OF PUBLIC TRUST; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND CERTAIN CRIMINAL OFFENSES CONCERNING ABUSES OF PUBLIC OFFICE; TO AMEND THE LAW CONCERNING ABUSE OF OFFICE; AND TO AMEND THE LAW CONCERNING 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 given as a public servant ~~given, or as a person elected, appointed, or otherwise designated to become a public servant although not yet occupying that position~~, 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, or a person elected, appointed, or otherwise designated to become a public servant although not yet occupying that position, 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 five hundred dollars (\$500) or more but less than five thousand dollars (\$5,000); or

(4) Class A misdemeanor if the value of the benefit is less than five hundred dollars (\$500).

SECTION 2. Arkansas Code § 5-52-107 is amended to read as follows:
5-52-107. Abuse of office.

(a) A person commits the offense of abuse of office if, being a public servant, or being a person elected, appointed, or otherwise designated to become a public servant although not yet occupying that position, and with the purpose of ~~benefiting in a pecuniary fashion~~ obtaining any benefit, pecuniary or otherwise, for himself or herself or another person or of harming another person, the person knowingly:

(1) Commits an unauthorized act which purports to be an act of his or her office; or

(2) Omits to perform a duty imposed on him or her by law or clearly inherent in the nature of his or her office.

(b) Abuse of office is a ~~Class B misdemeanor;~~

(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);

(3) Class D felony if the value of the benefit is five hundred dollars (\$500) or more but less than five thousand dollars (\$5,000); or

(4) Class A misdemeanor if the value of the benefit is less than five hundred dollars (\$500).