

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 254

By: Senator Irvin

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF IMPROPER USE OF THE STATE SEAL; TO PROHIBIT THE USE OF THE STATE SEAL IN A CAMPAIGN; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF IMPROPER USE OF THE STATE SEAL; AND TO PROHIBIT THE USE OF THE STATE SEAL IN A CAMPAIGN.

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

SECTION 1. Arkansas Code § 5-54-133 is amended to read as follows:

5-54-133. Improper use of or altering the state seal.

(a) As used in this section, ~~“state seal”~~:

(1) "Campaign" means:

(A) A campaign of a candidate for public office;

(B) Efforts to support or oppose a candidate for elected office; or

(C) Efforts to support or oppose a ballot measure except as provided in § 7-1-111;

(2) "Electronic campaign material" includes without limitation the following item used in a campaign:

(A) An advertisement;

(B) A commercial;

(C) A photograph;

(D) An electronic communication; and

(E) A social media post;



(3) "Printed campaign material" includes without limitation the following item used in a campaign:

- (A) A sign;
- (B) Literature;
- (C) An advertisement; and
- (D) A wearable item; and

(4) "State seal" means the Seal of the State of Arkansas described in § 1-4-108(a).

(b) A person commits improper use of or altering the state seal if the person knowingly uses the state seal or an altered version of the state seal:

(1) ~~in~~ In a private, nongovernmental written communication to another person with the purpose to injure, defraud, harass, intimidate, or coerce the other person, and the actor:

- ~~(1)~~(A) Assumes a false identity;
- ~~(2)~~(B) Pretends to be a representative of a state or local agency;

agency;

- ~~(3)~~(C) Pretends to be an officer or employee of the

government; or

- ~~(4)~~(D) Attempts to collect a debt the actor contends is

owed to the actor or another person or organization; or

(2) On printed campaign material or electronic campaign material in a manner that would lead a reasonable person to believe that the printed campaign material or electronic campaign material delivered to, disseminated to, or otherwise seen by the person is an official document of the State of Arkansas.

(c) Improper use of or altering the state seal is a Class A misdemeanor.

(d) A prosecution under this section does not preclude a prosecution or civil action under § 4-88-101 et seq.