

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1817

By: Representative Perry

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ELIGIBILITY OF A PERSON TO FILE, RUN, OR HOLD OFFICE; TO AMEND THE LAW CONCERNING PERSONS CONVICTED OF PUBLIC TRUST CRIMES TO HOLD OFFICE; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE ELIGIBILITY OF A PERSON TO FILE, RUN, OR HOLD OFFICE; AND TO AMEND THE LAW CONCERNING THE ELIGIBILITY OF PERSONS CONVICTED OF PUBLIC TRUST CRIMES TO HOLD OFFICE.

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 office or to hold office.

(a) ~~If~~ Except as provided in subdivision (b)(1) of this section, if a person has pleaded guilty or nolo contendere to or has been found guilty of a public trust crime, is not sealed or expunged under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq., and is not an office identified under subdivision (b)(1) of this section, 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 an elected office under this section unless:

(A) The offense sealed or expunged is a misdemeanor offense; and

(B) The elected office is for the:

(i) School board;

(ii) City council;

(ii) Quorum court; or

(iii) County township.

(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 if running for an office not included under 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~~ Except as provided in subdivision (b)(1) of this section, 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 an elected office.