

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 650

5 By: Senator Hester
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT A PERSON CONVICTED OF A PUBLIC
9 TRUST CRIME FROM FILING AS A CANDIDATE FOR A
10 CONSTITUTIONAL OFFICE OR FROM RUNNING AS A CANDIDATE
11 FOR A PUBLIC OFFICE; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO PROHIBIT A PERSON CONVICTED OF A
15 PUBLIC TRUST CRIME FROM FILING AS A
16 CANDIDATE FOR A CONSTITUTIONAL OFFICE OR
17 FROM RUNNING AS A CANDIDATE FOR A PUBLIC
18 OFFICE.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 21-8-301, concerning the definitions
25 regarding the code of ethics for public officers and employees, is amended to
26 add additional subdivisions to read as follows:

27 (6) "Constitutional office" means the offices of Governor, Lieutenant
28 Governor, Auditor of State, Treasurer of State, Secretary of State,
29 Commissioner of State Lands, the Attorney General, the General Assembly,
30 Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge,
31 and district judge; and

32 (7) "Public trust crime" means a crime prohibited under Arkansas
33 Constitution, Article 5, § 9.
34

35 SECTION 2. Arkansas Code Title 21, Chapter 8, Subchapter 3, is amended
36 to add an additional section to read as follows:



1 21-8-305. Person convicted of public trust crime ineligible as
2 candidate for constitutional office or to hold constitutional office.

3 (a) If a person has pleaded guilty or nolo contendere to or has been
4 found guilty of a public trust crime, he or she shall not:

5 (1) File as a candidate for a constitutional office;

6 (2) Run as a candidate for a constitutional office; or

7 (3) Hold a constitutional office.

8 (b)(1) The sealing of any public trust crime or any similar offense
9 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401, et
10 seq. or any sealing or expungement act in any jurisdiction shall not restore
11 a privilege, eligibility, or qualification to file as a candidate for, run as
12 a candidate for, or hold a constitutional office under this section.

13 (2) A person who has pleaded guilty or nolo contendere to or has
14 been found guilty of a public trust crime that was sealed or expunged as
15 described in subdivision (b)(1) of this section:

16 (A) Upon inquiry, shall disclose the fact and nature of
17 the crime which the person pleaded guilty or nolo contendere to or was found
18 guilty of; and

19 (B) Shall not publicly state or affirm under oath that
20 the:

21 (i) Conduct underlying the plea or finding did not
22 occur;

23 (ii) Record of the underlying plea or finding does
24 not exist; or

25 (iii) Person has not been convicted of a criminal
26 offense.

27 (3) If a person has plead guilty or nolo contendere to or has
28 been found guilty of a public trust crime or similar offense that was sealed
29 under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401, et
30 seq. or any sealing or expungement act in any jurisdiction, evidence of the
31 plea, finding, and conduct underlying the plea or finding shall be admissible
32 in a court of competent jurisdiction for an action concerning the person's
33 filing for, candidacy for, or holding of a constitutional office.

34
35 **APPROVED: 4/11/19**