## Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

## **Act 371 of the Regular Session**

1	State of Arkansas	A D'11		
2	86th General Assembly	A Bill		
3	Regular Session, 2007		HOUSE BILL	2238
4				
5	By: Representative Pyle			
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7				
8	For An Act To Be Entitled			
9	AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF			
10	CRITERIA FOR GRANTING OR WITHDRAWING			
11	AUTHORIZATION FOR MUNICIPAL POLICE TO PATROL			
12	CONTROLLED-ACCESS FACILITIES; TO CLARIFY THAT THE			
13	DIRECTOR OF THE DEPARTMENT OF ARKANSAS STATE			
14	POLICE MAY WITHDRAW AUTHORIZATION FOR MUNICIPAL			
15	POLICE TO PATROL CONTROLLED-ACCESS FACILITIES;			
16	AND FOR OT	HER PURPOSES.		
17				
18		Subtitle		
19	TO PROV	IDE FOR THE ESTABLISHMENT OF		
20	CRITERIA FOR GRANTING OR WITHDRAWING			
21	AUTHORIZATION FOR MUNICIPAL POLICE TO			
22	PATROL	CONTROLLED-ACCESS FACILITIES.		
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24				
25	BE IT ENACTED BY THE GENI	ERAL ASSEMBLY OF THE STATE OF ARKAN	ISAS:	
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27	SECTION 1. Arkansa	as Code § 12-8-106 is amended to re	ead as follows:	
28	12-8-106. Departme	ent of Arkansas State Police - Duti	es and powers	-
29	Restrictions - Municipal	police barred from <pre>patrolling</pre> cert	ain highways.	
30	(a)(l) It shall be	e the duty of the Department of Ark	ansas State Po	lice
31	to:			
32	(A) Pa	atrol the public highways, make arr	ests, and enfo	rce
33	the laws of this state re	elating to motor vehicles and the v	ise of the stat	e
34	highways;			
35	(B) Es	stablish, maintain, and enforce a t	owing rotation	

- list to assist in clearing highways of motor vehicles which have been
- 2 involved in accidents or abandoned;
- 3 (C) Assist in the collection of delinquent motor vehicle
- 4 license taxes and the collection of gasoline and other taxes that are
- 5 required by law; and
- 6 (D) Determine when, if possible, a person or persons are
- 7 the cause of injury to any state highway or other state property and arrest
- 8 all persons criminally responsible for injury to any state highway or other
- 9 state property and bring them before the proper officer for trial.
- 10 (2) The Director of the Department of Arkansas State Police may
- 11 promulgate necessary rules and regulations to carry out the purpose and
- 12 intent of subdivision (a)(1)(B) of this section.
- 13 (b) The department shall be conservators of the peace and as such
- 14 shall have the powers possessed by police officers in cities and sheriffs in
- 15 counties, except that the department may exercise such powers anywhere in
- 16 this state.
- 17 (c) The department shall have the authority to establish a Crimes
- 18 Against Children Division, either through transfer or by contract, to conduct
- 19 child abuse investigations, to administer the child abuse hotline, and, when
- 20 consistent with regulations promulgated by the department, to provide
- 21 training and technical assistance to local law enforcement in conducting
- 22 child abuse investigations.
- 23 (d) The police officers shall have all the power and authority of the
- 24 State Fire Marshal and shall assist in making investigations of arson, § 5-
- 25 38-301, and such other offenses as the director may direct and shall be
- 26 subject to the call of the circuit courts of the state and the Governor.
- 27 (e) However, this chapter shall not be construed so as to take away
- 28 any authority of the regularly constituted peace officers in the state, but
- 29 the department shall cooperate with them in the enforcement of the criminal
- 30 laws of the state and assist such officers either in the enforcement of the
- 31 law or apprehension of criminals.
- 32 (f) Nothing in this chapter shall be construed as to authorize any
- 33 officer of the department to serve writs unless they are specifically
- 34 directed to the department, or an officer thereof, by the issuing authority.
- 35 (g) No officer or member of the department shall ever be used in
- 36 performing police duties on private property in connection with any strike,

1	lockout, or other industrial disturbance.		
2	(h)(l)(A) Municipal police are prohibited from patrolling limited		
3	access highways controlled-access facilities except as may be authorized by		
4	the director.		
5	(B) The director may withdraw any previously issued		
6	authorization for municipal police to patrol controlled-access facilities.		
7	(C)(i) The director shall promulgate rules in accordance		
8	with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to		
9	establish criteria for granting or withdrawing authorization for municipal		
10	police to patrol controlled-access facilities.		
11	(ii) In adopting the rules described in subdivision		
12	(h)(l)(C)(i) of this section, the director at a minimum shall take into		
13	consideration the following factors:		
14	(a) Public safety;		
15	(b) Training of the municipal police;		
16	(c) Size of the municipal police force;		
17	(d) Financial impact;		
18	(e) Abuse of police power; and		
19	(f) The types of roadways or highways that are		
20	controlled-access facilities for purposes of this section.		
21	(2) Municipal police may patrol any service roads that are		
22	within their jurisdiction situated adjacent to limited access highways		
23	controlled-access facilities.		
24	(3) Nothing in this subsection shall prohibit a municipal police		
25	officer from responding to an accident or other emergency on a limited access		
26	highway controlled-access facility.		
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28	APPROVED: 3/19/2007		
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