

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H2/15/13

A Bill

HOUSE BILL 1252

5 By: Representatives Biviano, Williams, Lowery, Lenderman, Jean, Lampkin, Hopper, Gillam, Eubanks,
6 Murdock, Wright, C. Douglas, Dale, D. Altes, C. Armstrong, Barnett, Carnine, Catlett, Cozart
7 By: Senator J. Dismang
8

For An Act To Be Entitled

9
10 AN ACT TO ALLOW PRIVATE UNIVERSITIES TO CREATE AND
11 MAINTAIN A LAW ENFORCEMENT AGENCY DESIGNED TO PROTECT
12 AND ENFORCE STATE LAW ON THE CAMPUS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16
17 TO ALLOW PRIVATE UNIVERSITIES TO CREATE
18 AND MAINTAIN A LAW ENFORCEMENT AGENCY
19 DESIGNED TO PROTECT AND ENFORCE STATE LAW
20 ON THE CAMPUS.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 12-9-104(3)(A)(i), regarding the powers of
26 the Arkansas Commission on Law Enforcement Standards and Training, is amended
27 to read as follows:

28 (3)(A)(i) Establish minimum selection and training standards for
29 admission to employment as a law enforcement officer or as a private college
30 or university law enforcement officer.
31

32 SECTION 2. Arkansas Code Title 12, Chapter 9, Subchapter 2, is amended
33 to add a new section to read as follows:

34 12-9-211. Private college or university law enforcement officers.

35 (a) A law enforcement officer for a private college or university is
36 permitted to attend the Arkansas Law Enforcement Training Academy for



1 training and instruction.

2 (b) The private college or university for which the law enforcement
3 officer is employed shall:

4 (1) Pay any necessary transportation cost in traveling to and
5 from the academy; and

6 (2) Reimburse the Arkansas Commission on Law Enforcement
7 Standards and Training for any cost associated with the private college or
8 university law enforcement officer's training or instruction at the academy.

9
10 SECTION 3. Arkansas Code Title 12 is amended to add a new chapter to
11 read as follows:

12 Chapter 19

13 Law Enforcement Agencies for Private Colleges and Universities

14
15 Subchapter 1

16 General Provisions

17
18 12-19-101. Definitions.

19 As used in this chapter:

20 (1) "Control" means that a private college or university is maintained
21 on the property or rents or leases the property to facilitate events or
22 functions of the private college or university;

23 (2) "Executive head" means the president or governing board of a
24 private college or university;

25 (3) "Private college or university" means a college, university, or
26 teaching hospital that has all of the following characteristics:

27 (A) Is not owned or controlled by the state or a political
28 subdivision of the state;

29 (B) Provides a program of education in residence leading to a
30 baccalaureate degree or provides a program of education in residence for
31 which the baccalaureate degree is a prerequisite, leading to an academic or
32 professional degree; and

33 (C) Is accredited by the North Central Association of Colleges
34 and Schools or another nationally recognized agency that accredits private
35 colleges and universities; and

36 (D) Has its principal place of business located in the state.

1 (4) "Property" means both real property and personal property owned by
2 or under the control of the private college or university and includes
3 without limitation all highways, streets, alleys, and rights-of-way that are
4 contiguous or adjacent to real property owned by or under the control of the
5 private college or university.

6
7 12-19-102. Applicability – Cumulative effect.

8 (a) This chapter applies to the property of each private college or
9 university.

10 (b) This chapter does not mean that a private college or university is
11 an agent of the State of Arkansas.

12 (c) This chapter is cumulative to any remedies that each private
13 college or university may possess for enforcing its rules and regulations,
14 including its rights to impose sanctions through fees and charges and its
15 rights to discipline, deny service, and expel.

16
17 12-19-103. Enforcement.

18 The prosecuting attorney or the city attorney, as may be appropriate,
19 shall appear and prosecute in court all criminal offenses arising under this
20 chapter.

21
22 Subchapter 2

23 Law Enforcement Officers

24
25 12-19-201. Appointment and removal of private college or university
26 law enforcement officers.

27 (a) An executive head of a private college or university may appoint
28 one (1) or more of the employees of the private college or university as a
29 private college or university law enforcement officer for the private college
30 or university, who shall exercise law enforcement officer authority under the
31 laws of this state.

32 (b) A private college or university law enforcement officer shall:

33 (1) Have all the powers, duties, and obligations provided under
34 the law for municipal police departments and county sheriffs, to be exercised
35 as required for the protection of the private college or university, together
36 with any other duties that may be assigned by the employing private college

1 or university; and

2 (2) Meet the requirements for certification set out by the
3 Arkansas Commission on Law Enforcement Standards and Training in addition to
4 any private college or university requirements.

5 (c)(1) The jurisdictional powers or responsibilities of a county
6 sheriff or municipal police department over the property of a private college
7 or university or a person on the property of a private college or university
8 are not ceded to a private college or university law enforcement officer.

9 (2) The appointment or designation of private college or
10 university law enforcement officers does not supersede the authority of the
11 Department of Arkansas State Police, a county sheriff, or a municipal police
12 department of the jurisdiction within which the property of the private
13 college or university, or portions of it, is located.

14 (d)(1) A private college or university law enforcement officer shall
15 be identified by a shield or badge bearing the name of the private college or
16 university.

17 (2) The private college or university shall issue an
18 identification card bearing the photograph of the private college or
19 university law enforcement officer who shall carry it on his or her person at
20 all times when on duty and display it upon request.

21 (e)(1) A private college or university law enforcement officer's
22 authorization to have and to exercise the powers provided by law for law
23 enforcement officers shall be further evidenced by a letter of appointment
24 issued under the seal of the private college or university.

25 (2) The executive head of the private college or university
26 shall maintain a file containing each private college or university law
27 enforcement officer's letter of appointment and all other certificates and
28 information consistent with the rules of the commission.

29 (3)(A) The executive head of the private college or university
30 or the department may revoke in writing the appointment to serve as a private
31 college or university law enforcement officer for the private college or
32 university.

33 (B) Upon revocation as described in subdivision (e)(3)(A)
34 of this section, the person shall not possess or exercise the authority of a
35 private college or university law enforcement officer.

36 (C) A copy of all revocations shall be placed into the

1 file described in subdivision (e)(2) of this section.

2 (D) A private college or university employing a private
3 college or university law enforcement officer shall notify the commission of
4 any change in the private college or university law enforcement officer's
5 status within three (3) days.

6 (f) A private college or university law enforcement officer shall not
7 be reimbursed with state funds for any training he or she receives or be
8 eligible to participate in any state or municipal retirement system.

9
10 12-19-202. Private college or university law enforcement officer's
11 duties and powers.

12 (a) A private college or university law enforcement officer's primary
13 jurisdiction is the private college or university employing him or her, and
14 except to the extent otherwise limited by the executive head of the private
15 college or university appointing him or her, the private college or
16 university law enforcement officer shall:

17 (1) Protect property;

18 (2) Preserve and maintain proper order and decorum;

19 (3) Prevent unlawful assemblies, disorderly conduct, and
20 trespass;

21 (4) Exclude and eject persons detrimental to the well-being of
22 the private college or university; and

23 (5) Regulate the operation and parking of motor vehicles upon
24 property of the private college or university.

25 (b)(1) A private college or university law enforcement officer shall
26 exercise police supervision on behalf of the private college or university
27 and may arrest any person in the private college or university law
28 enforcement officer's primary jurisdiction who is committing an offense
29 against any law of the State of Arkansas or against the ordinances of the
30 city or county in which the private college or university is located.

31 (2) A private college or university law enforcement officer may
32 summon a posse comitatus if necessary to complete an arrest under subdivision
33 (b)(1) of this section.

34 (c) A private college or university law enforcement officer may make
35 an arrest for an offense against any law of the State of Arkansas outside his
36 or her primary jurisdiction if the private college or university law

1 enforcement officer is:

2 (1) Summoned by another law enforcement agency to provide
3 assistance;

4 (2) Assisting another law enforcement agency;

5 (3) Exercising his or her police powers in accordance with a
6 written mutual aid agreement or memorandum of understanding between the
7 private college or university and the municipality or county within which the
8 private college or university is located; or

9 (4)(A) Traveling to or from any location in the state on
10 official business.

11 (B) As used in subdivision (c)(4)(A) of this section,
12 "official business" includes without limitation:

13 (i) Engaging in intelligence-gathering activity
14 relating to security on the property of the private college or university
15 employing him or her;

16 (ii) Investigating a crime committed on the property
17 of the private college or university employing him or her;

18 (iii) Transporting money, valuables, securities, or
19 other valuables on behalf of the private college or university employing him
20 or her;

21 (iv) Providing security or protective services for
22 officials or visiting dignitaries to the private college or university
23 employing him or her; or

24 (v) Continuously and immediately pursuing a person
25 for an offense committed on the property of the private college or university
26 employing him or her or in the private college or university law enforcement
27 officer's eyesight.

28 (d)(1) When a private college or university law enforcement officer
29 makes an arrest outside his or her primary jurisdiction, the private college
30 or university law enforcement officer shall promptly notify the law
31 enforcement agency with jurisdiction and forward a written report to the law
32 enforcement agency with jurisdiction no later than the next working day.

33 (2) The law enforcement agency having jurisdiction may choose to
34 conduct the investigation or allow the private college or university law
35 enforcement officer to conduct the investigation.

36

1 12-19-203. Records kept by a private college or university law
2 enforcement agency.

3 Records generated or kept by a private college or university law
4 enforcement agency under this chapter are subject to the same record keeping
5 and disclosure requirements of a state or local law enforcement agency.

6
7 Subchapter 3

8 Motor Vehicle Regulation

9
10 12-19-301. Rules and regulations for motor vehicles on private college
11 or university grounds.

12 (a)(1) Each private college or university may promulgate and amend
13 rules and regulations for the operation and parking of motor vehicles on its
14 property as its governing board deems necessary if the rules and regulations
15 do not conflict with governing state law or a city or county ordinance.

16 (2) The rules and regulations described in subdivision (a)(1) of
17 this section may be submitted to the city or county where the property of the
18 private college or university is located for adoption as ordinances,
19 including without limitation ordinances that:

20 (A) Limit the rate of speed; and

21 (B) Enforce other traffic rules, including control and
22 direction of traffic.

23 (b) Speed limits shall be posted at reasonable intervals, and traffic
24 and parking directions and prohibitions shall be indicated by signs.

25
26 */s/Biviano*

27
28
29 **APPROVED: 03/01/2013**