

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 732

"TO PROVIDE THAT POLICE OFFICERS OF THE ARKANSAS MILITARY DEPARTMENT
MAY ACT AS LAW ENFORCEMENT OFFICERS ON FEDERAL OR STATE PROPERTY
LOCATED ADJOINING A MILITARY RESERVATION."

Amendment No. 1 to Senate Bill No. 732.

Amend Senate Bill No. 732 as originally introduced:

Delete all language after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 12-63-202(a), regarding the appointment, qualifications, and removal of police officers by the Adjutant General, is amended to read as follows:

(a)(1) The Adjutant General of Arkansas, as custodian of military reservations identified in § 12-63-201, ~~is authorized and empowered to~~ may designate and appoint one (1) or more employees as a police officer or officers for each military reservation, who ~~shall be and are constituted~~ peace officers under the laws of this state.

(2) The police officers appointed under this section ~~and~~ shall have ~~and possess~~ all the powers provided by law for city police, county sheriffs, and state police officers, to be exercised as required for maintaining the peace, order, the regulation of traffic, and the security of state and federal property on the following:

(A) ~~the~~ The military reservation; and

(B) On other real property that:

(i) Adjoins a military reservation;

(ii) Is owned, leased, or otherwise under the legal control of an instrumentality of the United States or an instrumentality of the State of Arkansas; and

(ii) The Adjutant General has undertaken to provide police or security services.

SECTION 2. Arkansas Code § 12-63-203 is amended to read as follows:
12-63-203. Police officers - Powers and duties.

(a)(1) A police officer appointed ~~pursuant to the authority contained in~~ under this subchapter shall, except to the extent otherwise limited by the Adjutant General,:

(A) ~~protect~~ Protect property;

(B) ~~preserve~~ Preserve and maintain proper order and



decorum;

conduct;

(C) ~~prevent~~ Prevent unlawful assemblies and disorderly

(D) ~~exclude~~ Exclude and eject persons detrimental to the well-being of the military reservation;

(E) ~~prevent~~ Prevent trespasses; and

(F) ~~regulate~~ Regulate the operation and parking of motor vehicles upon and in all of the grounds, buildings, improvements, streets, alleys, and sidewalks of the military reservation.

(2) All of the duties of police officers listed in subsection (a)(1) of this section apply equally on other real property that has all of the following characteristics:

(a) Adjoins a military reservation;

(b) Is owned, leased, or otherwise under the legal control of an instrumentality of the United States or an instrumentality of the State of Arkansas; and

(c) Upon which the Adjutant General has undertaken to provide police or security services.

(b)(1) ~~He~~ The police officer shall have and exercise police supervision on the following:

(A) ~~military reservation~~ Military reservations;

(B) Other real property that:

(i) Adjoins a military reservation;

(ii) Is owned, leased, or otherwise under the legal control of an instrumentality of the United States or an instrumentality of the State of Arkansas; and

(iii) Upon which the Adjutant General has undertaken to provide police or security services.

(2) The police officer may, and is authorized as a peace officer:

(A) ~~to arrest~~ Arrest, with or without warrant, any person upon or in the areas described ~~above~~ in this subsection (b) who is or is reasonably believed to be committing offense against any law of the State of Arkansas on the military reservation; and

(B) ~~to deliver~~ Deliver that person before any court of competent jurisdiction to be dealt with according to law. ~~and~~

(3) The police officer shall have the authority to ~~may~~ summon a posse comitatus, if necessary.

SECTION 3. Arkansas Code 12-63-205 is amended to read as follows:
12-63-205. Police officers - Liability.

(a) ~~Any A~~ A police officer ~~or officers~~ ~~so~~ appointed and designated under this subchapter, and any other employees ~~so~~ authorized under this subchapter, ~~executing who perform~~ the duties ~~delegated to them pursuant to~~ under this subchapter, ~~shall are~~ not be personally liable for injuries to persons or for ~~damages~~ damage to property ~~dealt with~~ that occurs while acting within the scope of their ~~authorized~~ authority on behalf of the State of Arkansas and on the military reservation.

(b) A police officer appointed and designated under this subchapter, and any other employees authorized under this subchapter, who perform the duties under this subchapter are not personally liable for injuries to persons or for damage to property that occurs while acting within the scope

of their authority on behalf of the State of Arkansas on other real property that has all of the following characteristics:

- (1) Adjoins a military reservation;
- (2) Is owned, leased, or otherwise under the legal control of an instrumentality of the United States or an instrumentality of the State of Arkansas; and
- (3) Upon which the Adjutant General has undertaken to provide police or security services.

SECTION 4. Arkansas Code § 12-63-206(a), regarding the jurisdiction of military law enforcement officers, is amended to read as follows:

(a) The appointment or designation of any police officer or officers under the authority of this subchapter shall not be deemed to supersede in any way the present authority of the state police, that of the county sheriffs, or that of the peace officers of the jurisdiction in which the military reservation, or portions thereof, shall be located, and on other real property that meets all of the following characteristics:

- (1) Adjoins a military reservation;
- (2) Is owned, leased, or otherwise under the legal control of an instrumentality of the United States or an instrumentality of the State of Arkansas; and
- (3) Upon which the Adjutant General has undertaken to provide police or security services.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Adjutant General has been tasked by the United States and agencies of the State of Arkansas with the responsibility of providing security services and police protection to real properties adjoining military reservations that are owned by or under the control of instrumentalities of the United States and of the State of Arkansas; and that this act is immediately necessary to preserve domestic peace and provide security in the State of Arkansas due to the increased threats of terrorism in our country since September 11, 2001. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Wilkinson
JSE/RCK - 031220031321
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Secretary