

State of Arkansas

77th General Assembly A Bill

SENATE BILL

Third Extraordinary Session, 1989

CALL ITEM 20 32

By: Senator Hoofman

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 12-9-108 TO PROVIDE THAT THE
MERE FAILURE TO MEET LAW ENFORCEMENT STANDARDS SHALL NOT
INVALIDATE ACTIONS TAKEN BY LAW ENFORCEMENT OFFICERS; AND FOR
OTHER PURPOSES."

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

SECTION 1. Subsection (a) of Arkansas Code 12-9-108 is hereby amended,
ab initio, to read as follows:

"(a) Actions taken by law enforcement officers who do not meet all of
the standards and qualifications set forth in this subchapter or made by the
Arkansas Commission on Law Enforcement Standards Training shall not be held
invalid merely because of the failure to meet the standards and
qualifications."

SECTION 2. It is hereby the intent of the General Assembly by amending
the minimum standards for law enforcement officials, ab initio, that actions
taken by law enforcement officers that are pending before any Court, Grand
Jury, Department, Officer, Agency, Regulatory Body, Legislative Committee, or
other authority of the United States, a State, or a Political Subdivision
shall not be held invalid merely because of the failure to meet the standards
and qualifications.

SECTION 3. All provisions of this Act of a general and permanent nature
are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are
hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that actions by law enforcement officers are being held invalid merely because the law enforcement officers fail to meet all law enforcement standards; that as a result, prosecution of many criminals is being thwarted; that criminals should not go unpunished merely because a law enforcement officer fails to meet all standards prescribed by the State; that this Act eliminates the language which invalidates action taken by such law enforcement officers; and that this Act should go into effect immediately in order to protect the safety and welfare of the citizens of this State. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.