

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Yates**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 16, CHAPTER 81, SUBCHAPTER 1 OF THE
9 ARKANSAS CODE OF 1987, TO CLARIFY THAT ALL LAW ENFORCEMENT
10 OFFICERS, BOTH PRECERTIFIED AND CERTIFIED, HAVE AUTHORITY
11 TO MAKE AN ARREST; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Subsection (a) of Arkansas Code §16-81-106, as amended by
16 Act 846 of 1989, is hereby amended to read as follows:

17 "(a) An arrest may be made by a peace officer or by a private person."
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19 SECTION 2. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 4. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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32 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
33 Seventy-Eighth General Assembly that due to the passage of two acts during the
34 1989 session, great confusion has resulted in the criminal justice system of
35 this state concerning the requirements for authority to make lawful arrests;

1 that this act will clarify that uncertainty and should become effective
2 immediately upon its passage and approval. Therefore, an emergency is hereby
3 declared to exist and this act being necessary for the immediate preservation
4 of the public peace, health and safety shall be in full force and effect from
5 and after its passage and approval.

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