

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §12-9-108 TO ESTABLISH A
9 PROCEDURE TO INSURE COMPLIANCE WITH THE STANDARDS AND
10 QUALIFICATIONS OF THE COMMISSION ON LAW ENFORCEMENT
11 STANDARD AND TRAINING FOR LAW ENFORCEMENT OFFICERS; AND
12 FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code §12-9-108 is hereby amended to read as
17 follows:

18 "12-9-108. Failure to meet qualifications - Effect - Exemptions.

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

24 (b)(1) Nothing in this subchapter or any requirements made by the
25 commission shall prevent any action by a private citizen that is now
26 authorized by law.

27 (2) Nor shall any provision of this subchapter affect the
28 deputizing of a private citizen by a law enforcement officer in a time of a
29 disaster or emergency.

30 (3) Nothing in this subchapter or any other law shall prohibit
31 inspectors and code enforcement officers of cities and towns from issuing
32 citations for the violation of municipal codes, ordinances, or regulations
33 that they are charged by their city or town with the duty of enforcing.

34 (4)(A) Cities of the first and second class and incorporated
35 towns are authorized to employ persons who do not meet certification

1 requirements prescribed by the Arkansas Commission on Law Enforcement
2 Standards and Training to issue citations for parking violations occurring
3 within the corporate limits of the city or town.

4 (B) Persons employed under this subdivision shall not carry
5 firearms nor take any other official law enforcing action except that
6 enumerated in subdivision (b)(4)(A) of this section.

7 (c) If an officer has completed training at the Law Enforcement
8 Training Academy and is determined to have failed to meet the standards and
9 qualifications set forth in this subchapter or prescribed by the Arkansas
10 Commission on Law Enforcement Standards and Training, the Commission shall
11 notify the head of the officer's employing agency, by certified letter return
12 receipt requested, of his or her non-compliance with the standards and
13 qualifications. The head of the employing agency shall submit proof of the
14 officer's compliance with the standards and qualifications within ten (10)
15 business days of the Commission's notification of non-compliance. If the
16 proof of compliance with the standards and qualifications is not submitted
17 within ten (10) business days, the head of the employing agency shall be
18 ineligible to receive any further salary payments from any political
19 subdivision or any agency of state government in Arkansas until the non-
20 compliant officer becomes qualified under the standards and qualifications of
21 the Commission."

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23 SECTION 2. All provisions of this act of general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 3. Severability. In the event any provision of this act is
28 declared or adjudged to be invalid or unconstitutional, such declaration or
29 adjudication shall not affect the remaining portions of this act which can be
30 given effect without the invalid or unconstitutional provision. The remaining
31 portions of this act shall remain in full force and effect as if the portion
32 declared or adjudged invalid or unconstitutional was not originally a part of
33 the act.

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35 SECTION 4. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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