

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Purdom**

A Bill

HOUSE BILL 1290

For An Act To Be Entitled

8 *"AN ACT TO AMEND ARKANSAS CODE 16-81-106 TO DESIGNATE GAME*
9 *AND FISH COMMISSION WILDLIFE OFFICERS AS CERTIFIED LAW*
10 *ENFORCEMENT OFFICERS."*

Subtitle

13 *"DESIGNATING GAME AND FISH COMMISSION WILDLIFE OFFICERS AS*
14 *CERTIFIED LAW ENFORCEMENT OFFICERS."*

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

18 SECTION 1. Arkansas Code 16-81-106 as amended by Act 846 of 1989 and
19 found on pages 62 and 63 of the 1991 Cumulative Supplement to Volume 15 of the
20 Arkansas Code is amended to read as follows:

21 "16-81-106. Authority to arrest.

22 (a) An arrest may be made by a certified law enforcement officer or by
23 a private person.

24 (b) A certified law enforcement officer may make an arrest:

25 (1) In obedience to a warrant of arrest delivered to him;

26 (2) Without a warrant, where a public offense is committed in his
27 presence, or where he has reasonable grounds for believing that the person
28 arrested has committed a felony. In addition to any other warrantless arrest
29 authority granted by law or court rule, a certified law enforcement officer
30 may arrest a person for a misdemeanor without a warrant if the officer has
31 probable cause to believe that the person has committed battery upon another
32 person and the officer finds evidence of bodily harm, and the officer
33 reasonably believes that there is danger of violence unless the person alleged
34 to have committed the battery is arrested without delay.

35 (c) A certified law enforcement officer who is outside his jurisdiction

1 may arrest, without warrant, a person who commits an offense within the
2 officer's presence or view, if the offense is a felony or a misdemeanor. A
3 certified law enforcement officer making an arrest under this subsection
4 shall, as soon as practicable after making the arrest, notify the law
5 enforcement agency having jurisdiction where the arrest was made. The law
6 enforcement agency shall then take custody of the person committing the
7 offense and take the person before a magistrate. Statewide arrest powers for
8 certified law enforcement officers will only be in effect when the officer is
9 working outside his jurisdiction at the request of or with the permission of
10 the municipal or county law enforcement agency having jurisdiction in the
11 locale where the officer is assisting or working by request. Any law
12 enforcement agency exercising statewide arrest powers under this section must
13 have a written policy on file regulating the actions of its employees relevant
14 to law enforcement activities outside its jurisdiction.

15 (d) A private person may make an arrest where he has reasonable grounds
16 for believing that the person arrested has committed a felony.

17 (e) A magistrate, or any judge, may orally order a certified law
18 enforcement officer or private person to arrest anyone committing a public
19 offense in the magistrate's or judge's presence, which order shall authorize
20 the arrest.

21 (f) For purposes of this section, the term certified law enforcement
22 officer includes full-time wildlife officers of the Arkansas Game and Fish
23 Commission so long as they shall not exercise their authority to the extent
24 that any federal funds would be jeopardized.

25 (g) The following persons employed as full-time law enforcement
26 officers by the federal, state, county, or municipal government, who are
27 empowered to effect an arrest with or without warrant for violations of the
28 United States Code and who are authorized to carry firearms in the performance
29 of their duties, shall be empowered to act as an officer for the arrest of
30 offenders against the laws of this state and shall enjoy the same immunity, if
31 any, to the same extent and under the same circumstances as certified state
32 law enforcement officers:

- 33 (1) Federal Bureau of Investigation special agents;
- 34 (2) United States Secret Service special agents;
- 35 (3) Immigration and Naturalization Service special agents,

- 1 investigators, and patrol officers;
2 (4) United States Marshals Service deputies;
3 (5) Drug Enforcement Administration special agents;
4 (6) United States postal inspectors;
5 (7) United States Customs Service special agents, inspectors, and
6 patrol officers;
7 (8) United States General Services Administration special agents;
8 (9) United States Department of Agriculture special agents;
9 (10) Bureau of Alcohol, Tobacco and Firearms special agents;
10 (11) Internal Revenue Service special agents and inspectors;
11 (12) Certified law enforcement officers of the Department of the
12 Interior, National Park Service;
13 (13) Members of federal, state, county, municipal, and prosecuting
14 attorneys' drug task forces."

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16 SECTION 2. Arkansas Code 16-81-106 as amended by Act 715 of 1989 and
17 found on pages 60 and 61 of the 1991 Cumulative Supplement to Volume 15 of the
18 Arkansas Code is repealed.

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

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24 SECTION 4. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 5. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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/s/Billy Joe Purdom

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As Engrossed: 2/15/93

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