

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

# A Bill

**SENATE BILL 39**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-81-106 TO DESIGNATE FISH  
9 AND WILDLIFE SERVICE AGENTS AND REFUGE OFFICERS OF THE  
10 DEPARTMENT OF THE INTERIOR AS CERTIFIED STATE LAW  
11 ENFORCEMENT OFFICERS; AND FOR OTHER PURPOSES."

## Subtitle

14 "DESIGNATING FISH AND WILDLIFE SERVICE AGENTS AND REFUGE  
15 OFFICERS OF THE DEPARTMENT OF THE INTERIOR AS CERTIFIED  
16 STATE LAW ENFORCEMENT OFFICERS."

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

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

23 "16-81-106. Authority to arrest.

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

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

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

28 (2) Without a warrant, where a public offense is committed in his

29 presence, or where he has reasonable grounds for believing that the person

30 arrested has committed a felony. In addition to any other warrantless arrest

31 authority granted by law or court rule, a certified law enforcement officer

32 may arrest a person for a misdemeanor without a warrant if the officer has

33 probable cause to believe that the person has committed battery upon another

34 person and the officer finds evidence of bodily harm, and the officer

35 reasonably believes that there is danger of violence unless the person alleged

1 to have committed the battery is arrested without delay.

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

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

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

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

- 31 (1) Federal Bureau of Investigation special agents;
- 32 (2) United States Secret Service special agents;
- 33 (3) Immigration and Naturalization Service special agents,  
34 investigators, and patrol officers;
- 35 (4) United States Marshals Service deputies;

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

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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.

19  
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.

23  
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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33 */s/Senator Beebe*

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