

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1276

5 By: Representatives Biviano, Williams  
6

## For An Act To Be Entitled

8 AN ACT TO ALLOW PRIVATE UNIVERSITIES TO CREATE AND  
9 MAINTAIN A LAW ENFORCEMENT AGENCY DESIGNED TO PROTECT  
10 AND ENFORCE STATE LAW ON THE CAMPUS; AND FOR OTHER  
11 PURPOSES.  
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## Subtitle

14 TO ALLOW PRIVATE UNIVERSITIES TO CREATE  
15 AND MAINTAIN A LAW ENFORCEMENT AGENCY  
16 DESIGNED TO PROTECT AND ENFORCE STATE LAW  
17 ON THE CAMPUS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 12-9-104(3)(A)(i), regarding the powers of  
24 the Arkansas Commission on Law Enforcement Standards and Training, is amended  
25 to read as follows:

26 (3)(A)(i) Establish minimum selection and training standards for  
27 admission to employment as a law enforcement officer or as a private college  
28 or university law enforcement officer.  
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30 SECTION 2. Arkansas Code Title 12, Chapter 9, Subchapter 2 is amended  
31 to add a new section to read as follows:

32 12-9-210. Private college or university law enforcement officers.

33 (a) A law enforcement officer for a private college or university is  
34 permitted to attend the Arkansas Law Enforcement Training Academy for  
35 training and instruction.

36 (b) The private college or university for which the law enforcement



1 officer is employed shall:

2 (1) Pay any necessary transportation cost in traveling to and  
 3 from the academy; and

4 (2) Reimburse the Arkansas Commission on Law Enforcement  
 5 Standards and Training for any cost associated with the private college or  
 6 university law enforcement officer's training or instruction at the academy.

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 8 SECTION 3. Arkansas Code Title 12, is amended to add a new chapter to  
 9 read as follows:

10 Chapter 19 – LAW ENFORCEMENT AGENCIES FOR PRIVATE COLLEGES AND  
 11 UNIVERSITIES.

12 Subchapter 1 – General Provisions

13 12-19-101. Definitions.

14 As used in this chapter:

15 (1) “Control” means that a private college or university is maintained  
 16 on the property or rents or leases the property to facilitate events or  
 17 functions of the private college or university;

18 (2) “Executive head” means the president or governing board of a  
 19 private college or university;

20 (3) "Private college or university" means a college, university, or  
 21 teaching hospital that has all of the following characteristics:

22 (A) Not owned or controlled by the state or a political  
 23 subdivision of the state;

24 (B) Provides a program of education in residence leading to a  
 25 baccalaureate degree or provides a program of education in residence for  
 26 which the baccalaureate degree is a prerequisite, leading to an academic or  
 27 professional degree; and

28 (C) Accredited by the North Central Association of Colleges and  
 29 Schools or another nationally recognized agency that accredits private  
 30 colleges and universities; and

31 (4) “Property” means both real property and personal property owned by  
 32 or under the control of the private college or university and includes  
 33 without limitation all highways, streets, alleys, and rights-of-way that are  
 34 contiguous or adjacent to real property owned by or under the control of the  
 35 private college or university.

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1 12-19-102. Applicability – Cumulative effect.

2 (a) This chapter applies to all property of each private college or  
3 university.

4 (b) This chapter does not mean that a private college or university is  
5 an agent of the State of Arkansas.

6 (c) This chapter is cumulative to any remedies that each private  
7 college or university may possess for enforcing its rules and regulations,  
8 including its rights to impose sanctions through fees and charges and its  
9 rights to discipline, deny service, and expel.

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11 12-19-103. Enforcement.

12 The prosecuting attorney or the city attorney, as may be appropriate,  
13 shall appear and prosecute in court all criminal offenses arising under this  
14 chapter.

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16 Subchapter 2 – Law Enforcement Officers.

17 12-19-201. Appointment and removal of private college or university  
18 law enforcement officers.

19 (a) An executive head of a private college or university may appoint  
20 one (1) or more of the employees of the private college or university as a  
21 private college or university law enforcement officer for the private college  
22 or university, who shall exercise law enforcement officer authority under the  
23 laws of this state.

24 (b) A private college or university law enforcement officer shall:

25 (1) Have all the powers provided by law for municipal police  
26 departments and county sheriffs, to be exercised as required for the  
27 protection of the private college or university, together with any other  
28 duties that may be assigned by the employing private college or university;  
29 and

30 (2) Meet the requirements for certification set out by the  
31 Arkansas Commission on Law Enforcement Standards and Training in addition to  
32 any private college or university requirements.

33 (c)(1) The jurisdictional powers or responsibilities of a county  
34 sheriff or municipal police department over the property of a private college  
35 or university or a person on the property of a private college or university  
36 are not ceded to a private college or university law enforcement officer.

1           (2) The appointment or designation of private college or  
2 university law enforcement officers does not supersede the authority of the  
3 Department of Arkansas State Police, a county sheriff, or a municipal police  
4 department of the jurisdiction within which the property of the private  
5 college or university, or portions of it, is located.

6           (d)(1) A private college or university law enforcement officer shall  
7 be identified by a shield or badge bearing the name of the private college or  
8 university.

9           (2) The private college or university shall issue an  
10 identification card bearing the photograph of the private college or  
11 university law enforcement officer who shall carry it on his or her person at  
12 all times when on duty and display it upon request.

13           (e)(1) A private college or university law enforcement officer's  
14 authorization to have and to exercise the powers provided by law for law  
15 enforcement officers shall be further evidenced by a letter of appointment  
16 issued under the seal of the private college or university.

17           (2) The executive head of the private college or university  
18 shall maintain a file containing each private college or university law  
19 enforcement officer's letter of appointment and all other certificates and  
20 information consistent with the rules of the commission.

21           (3)(A) The executive head of the private college or university  
22 or the department may revoke in writing the appointment to serve as a private  
23 college or university law enforcement officer for the private college or  
24 university.

25           (B) Upon revocation as described in subdivision (e)(3)(A)  
26 of this section, the person shall not possess or exercise the authority of a  
27 private college or university law enforcement officer.

28           (C) A copy of all revocations shall be placed into the  
29 file described in subdivision (e)(2) of this section.

30           (D) A private college or university employing a private  
31 college or university law enforcement officer shall notify the commission of  
32 any change in the private college or university law enforcement officer's  
33 status within three (3) days.

34           (f) A private college or university law enforcement officer shall not  
35 be reimbursed with state funds for any training he or she receives or be  
36 eligible to participate in any state or municipal retirement system.

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2 12-19-202. Private college or university law enforcement officer's  
3 duties and powers.

4 (a) A private college or university law enforcement officer's primary  
5 jurisdiction is the private college or university employing him or her, and  
6 except to the extent otherwise limited by the executive head of the private  
7 college or university appointing him or her, the private college or  
8 university law enforcement officer shall:

9 (1) Protect property;

10 (2) Preserve and maintain proper order and decorum;

11 (3) Prevent unlawful assemblies, disorderly conduct, and  
12 trespass;

13 (4) Exclude and eject persons detrimental to the well-being of  
14 the private college or university; and

15 (5) Regulate the operation and parking of motor vehicles upon  
16 property of the private college or university.

17 (b)(1) A private college or university law enforcement officer shall  
18 exercise police supervision on behalf of the private college or university  
19 and may arrest any person in the private college or university law  
20 enforcement officer's primary jurisdiction who is committing an offense  
21 against any law of the State of Arkansas or against the ordinances of the  
22 city or county in which the private college or university is located.

23 (2) A private college or university law enforcement officer may  
24 summon a posse comitatus if necessary to complete an arrest under subdivision  
25 (b)(1) of this section.

26 (c) A private college or university law enforcement officer may make  
27 an arrest for an offense against any law of the State of Arkansas outside his  
28 or her primary jurisdiction if the private college or university law  
29 enforcement officer is:

30 (1) Summoned by another law enforcement agency to provide  
31 assistance;

32 (2) Assisting another law enforcement agency;

33 (3) Exercising his or her police powers in accordance with a  
34 written mutual aid agreement or memorandum of understanding between the  
35 private college or university and the municipality or county within which the  
36 private college or university is located; or

1           (4)(A) Traveling to or from any location in the state on  
2 official business.

3           (B) As used in subdivision (c)(4)(A) of this section,  
4 "official business" includes without limitation:

5                   (i) Engaging in intelligence-gathering activity  
6 relating to security on the property of the private college or university  
7 employing him or her;

8                   (ii) Investigating a crime committed on the property  
9 of the private college or university employing him or her;

10                   (iii) Transporting money, valuables, securities, or  
11 other valuables on behalf of the private college or university employing him  
12 or her;

13                   (iv) Providing security or protective services for  
14 officials or visiting dignitaries to the private college or university  
15 employing him or her; or

16                   (v) Continuously and immediately pursuing a person  
17 for an offense committed on the property of the private college or university  
18 employing him or her or in the private college or university law enforcement  
19 officer's eyesight.

20           (d)(1) When a private college or university law enforcement officer  
21 makes an arrest outside his or her primary jurisdiction, the private college  
22 or university law enforcement officer shall promptly notify the law  
23 enforcement agency with jurisdiction and forward a written report to the law  
24 enforcement agency with jurisdiction no later than the next working day.

25           (2) The law enforcement agency having jurisdiction may choose to  
26 conduct the investigation or allow the private college or university law  
27 enforcement officer to conduct the investigation.

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29           Subchapter 3 – Motor Vehicle Regulation

30           12-19-301. Rules and regulations for motor vehicles on private college  
31 or university grounds.

32           (a)(1) Each private college or university may promulgate and amend  
33 rules and regulations for the operation and parking of motor vehicles upon  
34 its property as its governing board deems necessary if the rules and  
35 regulations do not conflict with governing state law or a city or county  
36 ordinance.

1           (2) The rules and regulations described in subdivision (a)(1) of  
2 this section may be submitted to the city or county where the property of the  
3 private college or university is located for adoption as ordinances,  
4 including without limitation ordinances that:

5                   (A) Limit the rate of speed; and

6                   (B) Enforce other traffic rules, including control and  
7 direction of traffic.

8           (b) Speed limits shall be posted at reasonable intervals, and traffic  
9 and parking directions and prohibitions shall be indicated by signs.

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