

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1304

5 By: Representative M. Gray  
6 By: Senator Rapert  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS SPEED TRAP LAW; TO  
10 PROVIDE FOR AUTOMATIC LEGISLATIVE AUDIT OF  
11 MUNICIPALITIES UNDER THE ARKANSAS SPEED TRAP LAW; AND  
12 FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE ARKANSAS SPEED TRAP LAW; AND  
16 TO PROVIDE FOR AUTOMATIC LEGISLATIVE  
17 AUDIT OF MUNICIPALITIES UNDER THE  
18 ARKANSAS SPEED TRAP LAW.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 10-4-412, concerning the audits of counties  
25 and municipalities, is amended to add an additional subsection to read as  
26 follows:

27 (d)(1) An audit of a municipality under this section shall also  
28 include an inquiry to determine whether an abuse of police power has occurred  
29 under the Arkansas Speed Trap Law, § 12-8-401 et seq.

30 (2) The required records to be audited under the Arkansas Speed  
31 Trap Law, § 12-8-401 et seq., include all records, including records of  
32 revenues collected over the previous six (6) months.  
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34 SECTION 2. Arkansas Code § 12-8-402, concerning definitions used in  
35 the Arkansas Speed Trap Law, is amended to add an additional subdivision to  
36 read as follows:



1           (4) "Revenue" means moneys resulting from fines and costs from  
 2 traffic offenses that are:

3                   (A) Misdemeanors;

4                   (B) Violations; or

5                   (C) Violations of a local ordinance for which citations  
 6 are written by the police department of the affected municipality occurring  
 7 on the affected highways.

8  
 9           SECTION 3. Arkansas Code § 12-8-403 is amended to read as follows:  
 10       12-8-403. Inquiry to determine abuse.

11       (a)(1) Upon the request of the prosecuting attorney of ~~any~~ a judicial  
 12 district in which an affected municipality is located, the Director of the  
 13 Department of Arkansas State Police ~~is authorized to~~ may investigate and  
 14 determine whether ~~any~~ the municipality is abusing police power by conducting  
 15 an unlawful speed trap.

16           (2)(A) The investigation ~~shall require~~ requires the affected  
 17 municipality to submit a certified record of all fines, costs, citations, and  
 18 municipal expenditures, ~~and~~ as well as the percentage of speeding citations  
 19 that are written for persons speeding ten miles per hour (10 m.p.h.) or less  
 20 than the posted speed limit.

21           (B) The records required under subdivision (a)(2)(A) of  
 22 this section may ~~be over a reasonable period of time~~ encompass a reasonable  
 23 time period as requested by the Department of Arkansas State Police, but ~~in~~  
 24 ~~no event shall there be less than~~ shall contain at least ninety (90) ~~days~~  
 25 days' worth of documentation.

26           (C)(i) The affected municipality shall submit the  
 27 requested records within thirty (30) days, unless an extension for submission  
 28 is approved by the director, and shall cooperate with all other aspects of  
 29 the investigation.

30           (ii) Failure to comply with ~~any~~ a requirement of  
 31 this section shall result in automatic sanctions.

32       (b) It ~~shall be~~ is presumed that the affected municipality is abusing  
 33 police power by conducting an unlawful speed trap upon a finding by the  
 34 director that:

35           (1) The amount of revenue ~~produced by fines and costs from~~  
 36 ~~traffic offenses that are misdemeanors or violations of state law or local~~

1 ~~ordinance for which citations are written by the police department of the~~  
2 ~~affected municipality occurring on the affected highways~~ exceeds thirty  
3 percent (30%) of the affected municipality's total expenditures, less capital  
4 expenditures, water department revenue, and debt service, in the preceding  
5 year; or

6 (2) More than fifty percent (50%) of the summons written for the  
7 traffic offense of speeding that is a misdemeanor or a violation of state law  
8 or local ordinance in the affected municipality are written for speed limit  
9 violations that are ten miles per hour (10 m.p.h.) or less than the posted  
10 speed limit.

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