

Act 846 of the 1989 Regular Session.

Act 846

HB1066

By: Representative Givens

"AN ACT TO AMEND ARK. CODE OF 1987 ANNOTATED 16-81-106 TO GIVE PEACE OFFICERS STATEWIDE AUTHORITY TO MAKE WARRANTLESS ARRESTS BASED UPON PROBABLE CAUSE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code of 1987 Annotated 16-81-106 is hereby amended to read as follows:

"16-81-106. Authority to arrest.

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

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

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

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

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

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

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

(e) The following persons employed as full-time law enforcement officers by the federal, state, county or municipal government, who are empowered to effect an arrest with or without warrant for violations of the United States Code and who are authorized to carry firearms in the performance of their duties,

shall be empowered to act as an officer for the arrest of offenders against the laws of this state and shall enjoy the same immunity, if any, to the same extent and under the same circumstances as certified state law enforcement officers:

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

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

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 22, 1989

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