

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

# **A Bill**

**ACT 362 OF 1993**  
**SENATE BILL 230**

## **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**

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12  
13 **"DESIGNATING GAME AND FISH COMMISSION**  
14 **WILDLIFE OFFICERS AS CERTIFIED LAW**  
15 **ENFORCEMENT OFFICERS."**

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

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

22 **"16-81-106. Authority to arrest.**

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

33 **(c) A certified law enforcement officer who is outside his jurisdiction may arrest,**  
34 **without warrant, a person who commits an offense within the officer's presence or view, if the**  
35 **offense is a felony or a misdemeanor. A certified law enforcement officer making an arrest**  
36 **under this subsection shall, as soon as practicable after making the arrest, notify the law**

1 **enforcement agency having jurisdiction where the arrest was made. The law enforcement**  
2 **agency shall then take custody of the person committing the offense and take the person before**  
3 **a magistrate. Statewide arrest powers for certified law enforcement officers will only be in**  
4 **effect when the officer is working outside his jurisdiction at the request of or with the**  
5 **permission of the municipal or county law enforcement agency having jurisdiction in the locale**  
6 **where the officer is assisting or working by request. Any law enforcement agency exercising**  
7 **statewide arrest powers under this section must have a written policy on file regulating the**  
8 **actions of its employees relevant to law enforcement activities outside its jurisdiction.**

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

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

14 **(f) For purposes of this section, the term \_certified law enforcement officer\_ includes**  
15 **full-time wildlife officers of the Arkansas Game and Fish Commission so long as they shall not**  
16 **exercise their authority to the extent that any federal funds would be jeopardized.**

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

23 **(1) Federal Bureau of Investigation special agents;**

24 **(2) United States Secret Service special agents;**

25 **(3) Immigration and Naturalization Service special agents, investigators, and patrol**  
26 **officers;**

27 **(4) United States Marshals Service deputies;**

28 **(5) Drug Enforcement Administration special agents;**

29 **(6) United States postal inspectors;**

30 **(7) United States Customs Service special agents, inspectors, and patrol officers;**

31 **(8) United States General Services Administration special agents;**

32 **(9) United States Department of Agriculture special agents;**

33 **(10) Bureau of Alcohol, Tobacco and Firearms special agents;**

34 **(11) Internal Revenue Service special agents and inspectors;**

35 **(12) Certified law enforcement officers of the Department of the Interior, National**

1 **Park Service;**

2 **(13) Members of federal, state, county, municipal, and prosecuting attorneys' drug task**  
3 **forces."**

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

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9 **SECTION 3. All provisions of this act of a general and permanent nature are**  
10 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**  
11 **Commission shall incorporate the same in the Code.**

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13 **SECTION 4. If any provision of this act or the application thereof to any person or**  
14 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**  
15 **the act which can be given effect without the invalid provision or application, and to this end**  
16 **the provisions of this act are declared to be severable.**

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

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20 */s/ Senator Harriman*

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22 **APPROVED: 03/03/93**

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