

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

A Bill

ACT 436 OF 1993
HOUSE BILL 1290

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

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

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

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

21 "16-81-106. Authority to arrest.

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

35 (c) A certified law enforcement officer who is outside his jurisdiction
36 may arrest, without warrant, a person who commits an offense within the

1 officer's presence or view, if the offense is a felony or a misdemeanor. A
2 certified law enforcement officer making an arrest under this subsection
3 shall, as soon as practicable after making the arrest, notify the law
4 enforcement agency having jurisdiction where the arrest was made. The law
5 enforcement agency shall then take custody of the person committing the
6 offense and take the person before a magistrate. Statewide arrest powers for
7 certified law enforcement officers will only be in effect when the officer is
8 working outside his jurisdiction at the request of or with the permission of
9 the municipal or county law enforcement agency having jurisdiction in the
10 locale where the officer is assisting or working by request. Any law
11 enforcement agency exercising statewide arrest powers under this section must
12 have a written policy on file regulating the actions of its employees relevant
13 to law enforcement activities outside its jurisdiction.

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

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

20 (f) For purposes of this section, the term _certified law enforcement
21 officer_ includes full-time wildlife officers of the Arkansas Game and Fish
22 Commission so long as they shall not exercise their authority to the extent
23 that any federal funds would be jeopardized.

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

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

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

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

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19 SECTION 3. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 4. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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

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32 */s/Billy Joe Purdom*

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34 APPROVED: 03/10/93

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