

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 855 OF 1995**  
**SENATE BILL 702**

4 **By: Senators Bookout, Everett, Todd and Bearden**  
5 **By: Representatives B. Wood, Harris, Critcher, Hogue, Wagner, Wooldridge and Cash**  
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## **For An Act To Be Entitled**

9 "AN ACT TO AUTHORIZE THE DIRECTOR OF THE ARKANSAS STATE  
10 POLICE TO INVESTIGATE AND DETERMINE IF CERTAIN AFFECTED  
11 MUNICIPALITIES ARE ABUSING POLICE POWER ON CERTAIN  
12 AFFECTED STATE HIGHWAYS IN ARKANSAS AND TO ORDER THE  
13 MUNICIPAL POLICE TO CEASE PATROLLING THOSE HIGHWAYS; AND  
14 FOR OTHER PURPOSES."

### **Subtitle**

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17 "TO AUTHORIZE THE ARKANSAS STATE POLICE  
18 TO DETERMINE IF CERTAIN AFFECTED  
19 MUNICIPALITIES ARE ABUSING POLICE POWER  
20 ON CERTAIN STATE HIGHWAYS."  
21

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

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24 SECTION 1. This act may be known as and cited as the "Arkansas Speed  
25 Trap Law".  
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27 SECTION 2. As used in this act, unless the context otherwise requires:

28 (1) "Abusing police power" means the exercise of police power to  
29 enforce criminal and traffic laws for the principal purpose of raising revenue  
30 for the municipality, and not for the purpose of public safety and welfare.

31 (2) "Affected highway" means a multi-laned, divided highway, or limited  
32 access, divided highway which is part of the State Highway System, or both;

33 (3) "Affected municipality" means any city of the second class or an  
34 incorporated town through which passes an affected highway.  
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36 SECTION 3. (a) Upon the request of the *prosecuting attorney* of any

1 *judicial district* in which an affected municipality is located, the Director  
2 of the Arkansas State Police is authorized to call a public hearing to  
3 investigate and determine whether any municipality is abusing police power.  
4 The hearing shall be conducted at a public meeting at the county courthouse in  
5 the county where the affected municipality is located. Notice of the time and  
6 place of the public meeting shall be published in a newspaper having general  
7 circulation in the county, for two (2) consecutive weeks, the last publication  
8 being not more than ten (10) days prior to the meeting.

9 (b) It shall be presumed that the affected municipality is abusing  
10 police power upon a finding that the amount of revenue produced by fines and  
11 costs from traffic law violations *for which citations were written by the*  
12 *police department of the affected municipality* occurring on the affected  
13 highways exceed thirty percent (30%) of the affected municipality\_s total  
14 expenditures, less capital expenditures and debt service, in the preceding  
15 year or *that more than fifty percent (50%) of the summons written for speeding*  
16 *in the affected municipality are written for speed limit violations which were*  
17 *ten (10) miles per hour or less than the posted limit.*

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19 SECTION 4. Upon a determination that the municipality is abusing police  
20 power, the Director of the State Police shall have the power to issue the  
21 following sanctions:

22 (1) Order that a municipality abusing police power shall cease  
23 patrolling any or all affected highways; and

24 (2) Order that all or any part of future fines and court costs received  
25 from traffic law violations or misdemeanor cases where the location of the  
26 offense is an affected highway, shall be paid over to the County General Fund  
27 of the county in which the municipality is located.

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29 SECTION 5. Any violation of the sanction ordered under Section 4(1) of  
30 this act by any police officer shall constitute a Class A misdemeanor for each  
31 citation, summons, or misdemeanor arrest made in violation of the Director\_s  
32 order.

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34 SECTION 6. All provisions of this act of general and permanent nature  
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 7. If any provisions of this act or the application thereof to  
4 any person or circumstance is held invalid, the invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provisions or application, and to this end the provisions of this  
7 act are declared to be severable.

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9 SECTION 8. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

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*/s/Bookout et al*

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APPROVED: 3-31-95

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***As Engrossed: 3/15/95***

**SB 702**

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