

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 842 OF 1997
HOUSE BILL 1983

4
5 By: Representatives Northcutt, Faris, Schexnayder, Fletcher and Wallis

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE §§ 12-8-403 AND 12-8-404
10 CONCERNING SPEED TRAPS; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT CONCERNING SPEED TRAPS."

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

17 SECTION 1. Arkansas Code 12-8-403 is amended to read as follows:

18 "12-8-403. ~~Public hearing~~ Inquiry to determine abuse.

19 (a)(1) Upon the request of the prosecuting attorney of any judicial
20 district in which an affected municipality is located, the Director of the
21 Department of Arkansas State Police is authorized ~~to call a public hearing to~~
22 investigate and determine whether any municipality is abusing police power.

23 (2)(A) ~~The hearing shall be conducted at a public meeting at the~~
24 ~~county courthouse in the county where the affected municipality is located.~~

25 Such investigation shall require the affected municipality to submit a
26 certified record of all fines, costs, citations, municipal expenditures and
27 percentage of citations that are written for ten (10) miles per hour or less
28 than the posted speed.

29 (B) ~~Notice of the time and place of the public meeting~~
30 ~~shall be published in a newspaper having general circulation in the county for~~
31 ~~two (2) consecutive weeks, the last publication being not more than ten (10)~~
32 ~~days prior to the meeting.~~ Such records may be over a reasonable period of
33 time as requested by the State Police, but in no event shall be less than
34 ninety (90) days worth of documentation.

35 (C) The affected municipality shall submit requested records
36 within thirty (30) days, unless an extension for submission is approved; and,

1 shall cooperate with all other aspects of the investigation. Failure to
 2 comply with any requirement of § 12-8-403 shall result in automatic sanctions.

3 (b) It shall be presumed that the affected municipality is abusing
 4 police power upon a finding that:

5 (1) The amount of revenue produced by fines and costs from
 6 traffic law violations for which citations were written by the police
 7 department of the affected municipality occurring on the affected highways
 8 exceeds thirty percent (30%) of the affected municipality's total
 9 expenditures, less capital expenditures and debt service, in the preceding
 10 year; or

11 (2) More than fifty percent (50%) of the summons written for
 12 speeding in the affected municipality are written for speed limit violations
 13 which were ten miles per hour (10 m.p.h.) or less than the posted limit."
 14

15 SECTION 2. Arkansas Code 12-8-404 is amended to read as follows:

16 "12-8-404. Sanctions.

17 (a) ~~Upon a determination that the municipality is abusing police power,~~
 18 the completion of an inquiry, the Director of the Department of Arkansas State
 19 Police shall forward all information to the prosecuting attorney of the
 20 affected municipality, who will make the determination as to whether the
 21 municipality has abused its police powers. The prosecuting attorney shall
 22 have the power to issue the following sanctions:

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

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

29 (b) Any violation of the sanction ordered under subdivision (a)(1) of
 30 this section by any police officer shall constitute a Class A misdemeanor for
 31 each citation, summons, or misdemeanor arrest made in violation of the
 32 director's order."
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34 SECTION 3. All provisions of this act of a general and permanent nature
 35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 36 Revision Commission shall incorporate the same in the Code.

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

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

APPROVED:3-26-97