

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  
4

As Engrossed: H2/20/97 H3/6/97

## A Bill

ACT 949 OF 1997  
HOUSE BILL 1611

5 By: Representative Jones  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE TITLE 12, CHAPTER 9  
10 CONCERNING THE EMPLOYMENT OF LAW ENFORCEMENT OFFICERS."  
11

### Subtitle

13 "AN ACT CONCERNING THE EMPLOYMENT OF LAW  
14 ENFORCEMENT OFFICERS."  
15

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

18 SECTION 1 Arkansas Code Title 12, Chapter 9, is amended to add the  
19 following new subchapter:  
20

21 §SUBCHAPTER 6. LAW ENFORCEMENT OFFICER EMPLOYMENT, APPOINTMENT, OR  
22 SEPARATION.  
23

24 12-9-601. Definitions.

25 For the purpose of this subchapter:

26 (1) <sup>④</sup>Commission<sup>■</sup> means the Arkansas Commission on Law Enforcement  
27 Standards and Training.

28 (2) <sup>④</sup>Employing agency<sup>■</sup> means any state agency or any county,  
29 municipality, or other political subdivision of the state, or any agent  
30 thereof, which has constitutional or statutory authority to employ or appoint  
31 persons as law enforcement officers.  
32

33 12-9-602. Notice of employment, appointment, or separation; response by  
34 the law enforcement officer; duty of commission.

35 (a) An employing agency shall immediately notify the commission in  
36 writing, on a form adopted by the commission, of the employment or

1 appointment, or separation from employment or appointment, of any law  
2 enforcement officer. The employing agency must maintain the original form and  
3 submit, or electronically transmit, a copy of the form to the commission.  
4 Separation from employment or appointment includes any firing, termination,  
5 resignation, retirement, or voluntary or involuntary extended leave of absence  
6 of any law enforcement officer.

7       (b)(1) In a case of separation from employment or appointment, the  
8 employing agency shall execute and maintain an affidavit-of-separation form  
9 adopted by the commission, setting forth in detail the facts and reasons for  
10 such separation. A copy of the affidavit-of-separation form must be submitted,  
11 or electronically transmitted, to the commission. The affidavit must be  
12 executed under oath and subject to the provisions of 5-53-103 concerning false  
13 swearing.

14       (2) In a case of a separation from employment or appointment for  
15 one of the following reasons, the notice shall so state:

16               (A) The law enforcement officer was separated for his or  
17 her failure to meet the minimum qualifications for employment or appointment  
18 as a law enforcement officer;

19               (B) The law enforcement officer was dismissed for a  
20 violation of state or federal law;

21               (C) The law enforcement officer was dismissed for a  
22 violation of the regulations of the law enforcement agency; or

23               (D) The law enforcement officer resigned while he or she  
24 was the subject of pending internal investigation.

25       (3) Any law enforcement officer who has separated from employment  
26 or appointment must be permitted to respond to the separation, in writing, to  
27 the commission, setting forth the facts and reasons for the separation as he  
28 understands them.

29       (c) Before employing or appointing a law enforcement officer, a  
30 subsequent employing agency must contact the commission to inquire as to the  
31 facts and reasons a law enforcement officer became separated from any previous  
32 employing agency. The commission shall, upon request and without prejudice,  
33 provide to the subsequent employing agency all information that is required  
34 under subsections (a) and (b) and that is in its possession.

35       (d) An administrator of an employing agency who discloses information  
36 pursuant to this section is immune from civil liability for such disclosure or

1 its consequences. No employing agency shall be civilly liable for disclosure  
2 of information under this subchapter or performing any other duties under this  
3 subchapter.

4 12-9-603. Certification review.

5 The commission shall review that certification of a law enforcement  
6 officer to determine whether the certification should be suspended or revoked  
7 if an employing agency reports the law enforcement officer was separated from  
8 employment or appointment for one of the following reasons specified in §12-9-  
9 602(b)(2)."

10

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

14

15 SECTION 3. If any provision of this act or the application thereof to  
16 any person or circumstance is held invalid, such invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provision or application, and to this end the provisions of this  
19 act are declared to be severable.

20

21 SECTION 4. All laws and parts of laws in conflict with this act are  
22 hereby repealed.

23

24 /s/Rep. Jones

25

26 APPROVED: 3-31-97

27

28

29

30

31

32

33

34

35