

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 498 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/6/07*

**A Bill**

SENATE BILL 390

5 By: Senator J. Taylor  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS  
10 CODE REGARDING THE POWERS AND DUTIES OF  
11 INSTITUTIONAL LAW ENFORCEMENT OFFICERS; AND FOR  
12 OTHER PURPOSES.  
13

**Subtitle**

14 REGARDING THE POWERS AND DUTIES OF  
15 INSTITUTIONAL LAW ENFORCEMENT OFFICERS.  
16  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 25-17-301 is amended to read as follows:  
22 25-17-301. Definitions.

23 As used in this subchapter, unless the context otherwise requires:

24 (1) "Executive head", when used with reference to the University  
25 of Arkansas, means the President of the University of Arkansas System;

26 (2) "Institution" means the educational, charitable,  
27 correctional, penal, and other institutions owned and operated by the State  
28 of Arkansas and shall include the respective state parks of this state;

29 (3) "Property" means both real and personal property owned by or  
30 under the control of the institution and shall include all highways, streets,  
31 alleys, and rights-of-way that are contiguous or adjacent to property owned  
32 or controlled by the institution; and

33 (4) "Property under the control of" shall include that property  
34 upon which any registered institutional organization is maintained or  
35 property rented or leased for the purpose of facilitating events or functions



1 of the institution.

2  
3 SECTION 2. Arkansas Code § 25-17-304 is amended to read as follows:

4 25-17-304. Appointment and removal of ~~security~~ institutional law  
5 enforcement officers.

6 (a) *The executive heads of each of the educational, charitable,*  
7 *correctional, penal, and other institutions owned and operated by the State*  
8 *of Arkansas, including the executive head of the Department of Parks and*  
9 *Tourism, are authorized and empowered to designate and appoint one (1) or*  
10 *more of the employees of the institutions and department, respectively, as*  
11 ~~security~~ an institutional law enforcement officer or officers for the  
12 institution or at a state park, or any separate portion of the institution or  
13 park, who shall ~~be peace officers~~ exercise law enforcement officer authority  
14 under the laws of this state.

15 (b) These institutional law enforcement officers shall:

16 (1) ~~have~~ Have all the powers provided by law for city police and  
17 county sheriffs to be exercised as required for the protection of the  
18 respective state institutions and state parks, together with any other duties  
19 which may be assigned by the employing institution or department; and

20 (2) Meet the requirements for certification set out by the  
21 Executive Commission on Law Enforcement Standards and Training in addition to  
22 any institution or department requirements.

23 (c) None of the present jurisdictional powers or responsibility of the  
24 county sheriffs or city police over the land or property of institutions or  
25 persons on the land shall be ceded to the ~~security~~ law enforcement officers  
26 of state institutions. The appointment or designation of institutional  
27 ~~security~~ law enforcement officers shall not be deemed to supersede, in any  
28 way, the authority of the state police or the county sheriffs or that of the  
29 ~~peace~~ law enforcement officers of the jurisdiction within which the  
30 institution, or portions of it, shall be located.

31 (d)(1) Institutional ~~security~~ law enforcement officers shall be  
32 identified by a shield or badge bearing the name of the state institution.

33 (2) The institution shall issue an identification card bearing  
34 the photograph of the institutional law enforcement officer who shall carry  
35 it on his or her person at all times when on duty and display it upon  
36 request.

1 (e)(1) A ~~An security~~ institutional law enforcement officer's  
2 authorization to have and to exercise the powers provided by law for ~~peace~~  
3 law enforcement officers shall be further evidenced by a ~~certificate~~ letter  
4 of appointment issued under the seal of the institution ~~and carried on his or~~  
5 ~~her person at all times when on duty.~~

6 (2) The executive head of the institution and the executive head  
7 of the department or their designees shall maintain ~~in a well-bound book a~~  
8 ~~copy of all the authorizations issued to employees of the state institution~~  
9 ~~or of the department~~ a file containing each institutional law enforcement  
10 officer's authorization certificate, the certificate of appointment, and all  
11 other certificates and information consistent with the regulations of the  
12 Executive Commission on Law Enforcement Standards and Training.

13 (3)(A) The executive head of the state institution or the  
14 department shall have the authority to remove an employee from the execution  
15 of those designated duties, including the authority to revoke in writing the  
16 authorization to serve as a ~~peace~~ an institutional law enforcement officer  
17 for the institution or department.

18 (B) Upon termination of that authority, the person shall  
19 no longer possess or exercise the authority of a ~~peace~~ an institutional law  
20 enforcement officer.

21 (C) A copy of all revocations shall be placed in the  
22 ~~record book mentioned~~ file described in subdivision (e)(2) of this section.

23 (D) The Commission on Law Enforcement Standards and  
24 Training shall be notified of any change in an institutional law enforcement  
25 officer's status.

26  
27 SECTION 3. Arkansas Code § 25-17-305 is amended to read as follows:

28 25-17-305. ~~Security~~ Institutional law enforcement officer's duties and  
29 powers.

30 (a) ~~A security~~ An institutional law enforcement officer appointed  
31 ~~pursuant to~~ under the authority of § 25-17-304, except to the extent  
32 otherwise limited by the executive head of the state institution or  
33 department appointing him or her, shall protect property, preserve and  
34 maintain proper order and decorum, prevent unlawful assemblies and disorderly  
35 conduct, exclude and eject persons detrimental to the well-being of the  
36 institution, prevent trespass, and regulate the operation and parking of

1 motor vehicles upon and in all of the grounds, buildings, improvements,  
2 streets, alleys, and sidewalks under the control of the institution employing  
3 him or her, which is the institutional law enforcement officer's primary  
4 jurisdiction.

5 (b)(1) He or she shall have and exercise police supervision on behalf  
6 of the institution and is authorized as a ~~peace~~ law enforcement officer to  
7 arrest any person upon or in the ~~areas described in subsection (a) of this~~  
8 ~~section~~ institutional law enforcement officer's primary jurisdiction who is  
9 committing an offense against any law of the State of Arkansas or against the  
10 ordinances of the city wherein the institution is located and to deliver that  
11 person before any court of competent jurisdiction to be dealt with according  
12 to law.

13 (2) He or she shall have the authority to summon a posse  
14 comitatus if necessary.

15 (c) An institutional law enforcement officer may make an arrest for an  
16 offense against any law of the State of Arkansas outside his or her primary  
17 jurisdiction if the officer:

18 (1) Is summoned by another law enforcement agency to provide  
19 assistance;

20 (2) Is assisting another law enforcement agency;

21 (3)(A) Is traveling to or from any location in the state on  
22 official business.

23 (B) Official business includes, but is not limited to:

24 (i) Engaging in intelligence gathering activity  
25 relating to security on the grounds, buildings, improvements, streets,  
26 alleys, and sidewalks under the control of the institution employing him or  
27 her;

28 (ii) Investigating a crime committed on the grounds,  
29 buildings, improvements, streets, alleys, and sidewalks under the control of  
30 the institution employing him or her;

31 (iii) Transporting money, valuables, securities, or  
32 other valuables on behalf of the institution;

33 (iv) Providing security or protective services for  
34 officials or visiting dignitaries to the institution; or

35 (v) The continuous and immediate pursuit of a person  
36 for an offense committed on the grounds, buildings, improvements, streets,

1 alleys, and sidewalks under the control of the institution employing him or  
2 her, or in the officer's view.

3 (d)(1) When an arrest is made outside the institutional law  
4 enforcement officer's primary jurisdiction, the law enforcement agency with  
5 jurisdiction will be notified promptly and a written report forwarded to the  
6 agency no later than the next working day.

7 (2) The agency having jurisdiction may choose to take over the  
8 investigation or allow the institution or department law enforcement officer  
9 to bring the person before a court of competent jurisdiction to be dealt with  
10 according to law.

11  
12 SECTION 4. Arkansas Code § 25-17-306 is amended to read as follows:

13 25-17-306. ~~Security~~ Institutional law enforcement officers exempt from  
14 personal liability.

15 Any ~~security~~ institutional law enforcement officers so appointed and  
16 designated and any other institutional employees so authorized executing the  
17 duties delegated to them ~~pursuant to~~ under this subchapter shall not be  
18 personally liable for injuries to persons or for damages to property dealt  
19 with while acting within the scope of their authorized authority on behalf of  
20 the State of Arkansas and its institutions.

21  
22 SECTION 5. Arkansas Code § 25-17-307 is amended to read as follows:

23 25-17-307. Rules and regulations for motor vehicles on institutional  
24 grounds.

25 (a) Each of the institutions described in § 25-17-301 is authorized  
26 ~~and empowered~~ to promulgate rules and regulations and to amend or change them  
27 from time to time as its governing board shall deem necessary, providing for  
28 the operation and parking of motor vehicles upon the grounds, streets,  
29 drives, and alleys under its control, including, but not limited to, the  
30 following regulations:

31 (1) Limiting the rate of speed;

32 (2)(A) Assigning parking spaces and designating parking areas  
33 and their uses and collecting charges or fees as rent for those spaces.

34 (B) The charges or fees collected under subdivision  
35 (a)(2)(A) of this section, other than fees for parking or parking passes for  
36 athletic events or other special events, shall not be considered as payment

1 for the providing of any service of any nature to the person paying the  
2 charges or fees as rent and shall be exempt for the tax levied by § 26-52-  
3 301(3)(E)(i);

4 (3) Prohibiting parking as it deems necessary;

5 (4) Removing vehicles parked in violation of institutional rules  
6 and regulations or city ordinances, at the expense of the violator, who shall  
7 pay the expense before the vehicle is released;

8 (5) Instituting a system of motor vehicle registration for the  
9 identification and regulation of vehicles regularly using institutional  
10 premises, including a reasonable charge to defray the cost thereof; and

11 (6)(A) Collecting under an established system administrative  
12 charges for violations of institutional rules and regulations governing motor  
13 vehicles, their operation, and parking.

14 (B) However, an administrative finding of violation may be  
15 appealed to the appropriate district court where the matter shall be heard de  
16 novo.

17 (b) Rules and regulations, together with any amendments thereto, which  
18 may from time to time be adopted by a state institution for the regulation of  
19 operation and parking of motor vehicles shall be recorded in the official  
20 minutes of the governing board having supervision of the institution, shall  
21 be filed with the Secretary of State, and shall be printed, with copies  
22 available at convenient locations at the institution or at any separate  
23 portion thereof.

24 (c) Speed limits shall be posted at reasonable intervals, and traffic  
25 and parking directions and prohibitions shall be indicated by signs.

26 (d) From and after the promulgation of the rules and regulations, it  
27 shall be unlawful for any person to operate or to park a motor vehicle in  
28 violation thereof. Any person violating or refusing to comply with the rules  
29 and regulations if not otherwise provided for by city ordinance shall be  
30 subjected to a reasonable administrative charge stated in the promulgated  
31 rules and regulations.

32 (e)(1) Persons violating institutional rules and regulations  
33 promulgated under this section while using a motor vehicle registered with  
34 the institution at the option of the ~~security~~ institutional law enforcement  
35 officer shall be charged under the institution's system of charges or  
36 summoned to appear before any court of competent jurisdiction, to be dealt

1 with according to law. A person adversely affected by any administrative  
2 determination as described shall have a right to appeal therefrom to the  
3 appropriate district court where the matter shall be heard de novo.

4 (2) Persons violating institutional rules and regulations under  
5 this section while using a motor vehicle not registered with the institution  
6 or persons violating city ordinances shall be summoned to appear before the  
7 court. Notice placed on the vehicle shall be sufficient as a summons for the  
8 purposes of this section.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/ J. Taylor*

**APPROVED: 3/26/2007**