

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H2/6/17
A Bill

HOUSE BILL 1385

5 By: Representative Lemons
6

7 **For An Act To Be Entitled**

8 AN ACT TO BE KNOWN AS "SHANNON'S LAW"; CONCERNING THE
9 POSSESSION AND SALE OF BLUE LIGHTS AND LAW
10 ENFORCEMENT INSIGNIA; AND FOR OTHER PURPOSES.
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12
13 **Subtitle**

14 TO BE KNOWN AS "SHANNON'S LAW"; AND
15 CONCERNING THE POSSESSION AND SALE OF
16 BLUE LIGHTS AND LAW ENFORCEMENT INSIGNIA.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 5-77-201 is amended to read as follows:*

22 *5-77-201. ~~Blue light or blue lens cap sales~~ Unlawful possession,*
23 *purchase, sale, or transfer of a blue light or blue lens cap.*

24 *~~(a)(1) It is unlawful to sell or transfer a blue light or blue lens~~*
25 *~~cap to any person other than a law enforcement officer or a county coroner.~~*

26 *~~(2) It is unlawful for a person other than a law enforcement~~*
27 *~~officer or a county coroner to buy a blue light or blue lens cap.~~*

28 *(a) It is unlawful for a person to:*

29 *(1) Knowingly possess or purchase a blue light or blue lens cap*
30 *with a purpose to unlawfully use the blue light or blue lens cap; or*

31 *(2) Transfer a blue light or blue lens cap to another person*
32 *whom the actor knows or should know has a purpose to unlawfully use the blue*
33 *light or blue lens cap.*

34 *(b) Before selling a blue light or blue lens cap, the seller shall*
35 *require the buyer to provide identification that legally demonstrates that*
36 *the buyer is a law enforcement officer, auxiliary law enforcement officer, or*



1 a county coroner.

2 (c) Any sale of a blue light or blue lens cap shall be reported to the
3 Department of Arkansas State Police on a form prescribed by the department.

4 (d) Upon conviction, a person who violates this section is guilty of a
5 Class ~~D~~ C felony.

6 (e) As used in this section:

7 (1) "Auxiliary law enforcement" officer means the same as
8 defined in § 12-9-301;

9 ~~(1)(2)~~ (2) "Blue lens cap" means a lens cap designed to produce a
10 blue color of light when light from a device designed for an emergency
11 vehicle passes through the lens cap; ~~and~~

12 ~~(2)(3)~~ (3) "Blue light" means any operable device that:

13 (A) Emits a blue color of light;

14 (B) Is designed for use by an emergency vehicle or is
15 similar in appearance to a device designed for use by an emergency vehicle;
16 and

17 (C) Can be operated by use of the vehicle's battery, the
18 vehicle's electrical system, or a dry cell battery; and

19 (4) "Illegitimately" includes violating a state or federal law.

20 (f) This section does not apply to the following persons if acting
21 with a lawful purpose:

22 (1) An in-state or out-of-state law enforcement officer or
23 auxiliary law enforcement officer;

24 (2) A county coroner;

25 (3) A person employed by an in-state or out-of-state or federal
26 agency who is operating a vehicle equipped with a blue light or blue lens cap
27 during the course and scope of his or her employment; or

28 (4) A legitimate seller or vendor of blue lights or blue lens
29 caps.

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31 SECTION 2. Arkansas Code § 5-77-202 is amended to read as follows:

32 5-77-202. Law enforcement insignia sales.

33 (a)(1) It is unlawful to sell official law enforcement insignia to any
34 person other than a law enforcement officer.

35 (2) It is unlawful for a person other than a law enforcement
36 officer to buy official law enforcement insignia.

1 (b) Before selling official law enforcement insignia, the seller shall
2 require the buyer to provide identification that legally demonstrates that
3 the buyer is currently employed as a law enforcement officer or is currently
4 an appointed auxiliary law enforcement officer.

5 (c) A violation of this section is a Class A ~~misdemeanor~~ Class D
6 felony.

7 (d) As used in this section:

8 (1) "Auxiliary law enforcement officer" means the same as
9 defined in § 12-9-301; and

10 (2) ~~"official~~ "Official law enforcement insignia" means those
11 items relating to the performance of a person's duty as a law enforcement
12 officer when the items are formally sanctioned by the law enforcement agency
13 employing the person.

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15 SECTION 3. Arkansas Code § 5-77-205 is amended to read as follows:
16 5-77-205. Resale of law enforcement vehicles.

17 (a) Except as provided in subsection (b) of this section, before a law
18 enforcement vehicle is offered for sale to the public, the seller of the law
19 enforcement vehicle shall remove from the law enforcement vehicle the:

20 (1) Lightbar, including any blue lights or blue lens cap;

21 (2) Spotlight;

22 (3) Siren;

23 (4) Law enforcement decals and signage;

24 (5) Radios; and

25 (6) Other items associated solely with law enforcement vehicles.

26 (b) The items required to be removed under subdivisions (a)(1)-(6) of
27 this section are not required to be removed if the law enforcement vehicle is
28 sold to a law enforcement agency.

29 (c) A violation of subsection (a) of this section is a violation and
30 punishable by a fine of not more than one thousand dollars (\$1,000).

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32 /s/Lemons

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35 **APPROVED: 03/09/2017**