

1 State of Arkansas *As Engrossed: S3/2/21 H3/15/21*

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 159

4

5 By: Senators L. Eads, B. Davis

6 *By: Representative Lundstrum*

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## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING LAW ENFORCEMENT  
10 AGENCIES FOR PRIVATE COLLEGES AND UNIVERSITIES; TO  
11 ALLOW PRIVATE SCHOOLS TO ESTABLISH AND APPOINT AN  
12 INSTITUTIONAL LAW ENFORCEMENT OFFICER; AND FOR OTHER  
13 PURPOSES.

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## Subtitle

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

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26 SECTION 1. Arkansas Code § 12-9-102(1)(A), concerning the definition  
27 of "law enforcement agency", is amended to read as follows:

28 (A) A private school or private college or university law  
29 enforcement agency as described in § 12-20-101 et seq.;"

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31 SECTION 2. Arkansas Code § 12-9-104(3)(A), concerning the powers of  
32 the Arkansas Commission on Law Enforcement Standards and Training, is amended  
33 to read as follows:

34 (3)(A) Establish minimum selection and training standards for  
35 admission to employment as a law enforcement officer or as a private school  
36 or private college or university law enforcement officer.



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*SECTION 3. Arkansas Code § 12-9-211 is amended to read as follows:*

*12-9-211. Private school and private college or university law enforcement officers.*

*(a) A law enforcement officer for a private school or a private college or university is permitted to attend the Arkansas Law Enforcement Training Academy for training and instruction.*

*(b) The private school or the private college or university for which the law enforcement officer is employed shall:*

*(1) Pay any necessary transportation cost in traveling to and from the academy; and*

*(2) Reimburse the Division of Law Enforcement Standards and Training for any cost associated with the private school or private college or university law enforcement officer's training or instruction at the academy.*

*SECTION 4. Arkansas Code Title 12, Chapter 20, is amended to read as follows:*

Chapter 20

Law Enforcement Agencies for Private Schools and Private Colleges and Universities

Subchapter 1 – General Provisions.

12-20-101. Definitions.

As used in this chapter:

(1) "Control" means that a private school or private college or university is maintained on the property or rents or leases the property to facilitate events or functions of the private school or private college or university;

(2) "Executive head" means the president or governing board of a private school or private college or university;

(3) "Private college or university" means a college, university, or teaching hospital that has all of the following characteristics:

(A) Is not owned or controlled by the state or a political subdivision of the state;

1 (B) Provides a program of education in residence leading  
2 to a baccalaureate degree or provides a program of education in residence for  
3 which the baccalaureate degree is a prerequisite, leading to an academic or  
4 professional degree;

5 (C) Is accredited by the ~~North Central Association of~~  
6 ~~Colleges and Schools~~ Higher Learning Commission or another nationally  
7 recognized agency that accredits private colleges and universities; and

8 (D) Has its principal place of business located in the  
9 state; ~~and~~

10 (4) "Private school" means a nonpublic elementary or secondary  
11 school that is:

12 (A) A registered nonprofit; and

13 (B) Accredited or licensed by an accrediting association  
14 recognized by the State Board of Education; and

15 ~~(4)(5)~~ "Property" means both real property and personal property  
16 owned by or under the control of ~~the~~ a private school or private college or  
17 university and includes without limitation all highways, streets, alleys, and  
18 rights-of-way that are contiguous or adjacent to real property owned by or  
19 under the control of the private school or private college or university.

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21 12-20-102. Applicability – Cumulative effect.

22 (a) This chapter applies to the property of each private school or  
23 private college or university.

24 (b) This chapter does not mean that a private school or private  
25 college or university is an agent of the State of Arkansas.

26 (c) This chapter is cumulative to any remedies that each private  
27 school or private college or university may possess for enforcing its rules  
28 and regulations, including its rights to impose sanctions through fees and  
29 charges and its rights to discipline, deny service, and expel.

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31 12-20-103. Enforcement.

32 The prosecuting attorney or the city attorney, as may be appropriate,  
33 shall appear and prosecute in court all criminal offenses arising under this  
34 chapter.

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36 Subchapter 2 – Law Enforcement Officers.

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2 12-20-201. Appointment and removal of private school or private  
3 college or university law enforcement officers.

4 (a) An executive head of a private school or private college or  
5 university may appoint one (1) or more of the employees of the private school  
6 or private college or university as a private school or private college or  
7 university law enforcement officer for the private school or private college  
8 or university, who shall exercise law enforcement officer authority under the  
9 laws of this state.

10 (b) A private school or private college or university law enforcement  
11 officer shall:

12 (1) Have all the powers, duties, and obligations provided under  
13 the law for municipal police departments and county sheriffs, to be exercised  
14 as required for the protection of the private school or private college or  
15 university, together with any other duties that may be assigned by the  
16 employing private school or private college or university; and

17 (2) Meet the requirements for certification set out by the  
18 Arkansas Commission on Law Enforcement Standards and Training in addition to  
19 any private school or private college or university requirements.

20 (c)(1) The jurisdictional powers or responsibilities of a county  
21 sheriff or municipal police department over the property of a private school  
22 or private college or university or a person on the property of a private  
23 school or private college or university are not ceded to a private school or  
24 private college or university law enforcement officer.

25 (2) The appointment or designation of private school or private  
26 college or university law enforcement officers does not supersede the  
27 authority of the ~~Department~~ Division of Arkansas State Police, a county  
28 sheriff, or a municipal police department of the jurisdiction within which  
29 the property of the private school or private college or university, or  
30 portions of it, is located.

31 (d)(1) A private school or private college or university law  
32 enforcement officer shall be identified by a shield or badge bearing the name  
33 of the private school or private college or university.

34 (2) The private school or private college or university shall  
35 issue an identification card bearing the photograph of the private school or  
36 private college or university law enforcement officer who shall carry it on

1 his or her person at all times when on duty and display it upon request.

2 (e)(1) A private school or private college or university law  
3 enforcement officer's authorization to have and to exercise the powers  
4 provided by law for law enforcement officers shall be further evidenced by a  
5 letter of appointment issued under the seal of the private school or private  
6 college or university.

7 (2) The executive head of the private school or private college  
8 or university shall maintain a file containing each private school or private  
9 college or university law enforcement officer's letter of appointment and all  
10 other certificates and information consistent with the rules of the  
11 commission.

12 (3)(A) The executive head of the private school or private  
13 college or university or the ~~department~~ division may revoke in writing the  
14 appointment to serve as a private school or private college or university law  
15 enforcement officer for the private school or private college or university.

16 (B) Upon revocation as described in subdivision (e)(3)(A)  
17 of this section, the person shall not possess or exercise the authority of a  
18 private school or private college or university law enforcement officer.

19 (C) A copy of all revocations shall be placed into the  
20 file described in subdivision (e)(2) of this section.

21 (D) A private school or private college or university  
22 employing a private school or private college or university law enforcement  
23 officer shall notify the commission of any change in the private school or  
24 private college or university law enforcement officer's status within three  
25 (3) days.

26 (f) A private school or private college or university law enforcement  
27 officer shall not be reimbursed with state funds for any training he or she  
28 receives or be eligible to participate in any state or municipal retirement  
29 system.

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31 12-20-202. Private school or private college or university law  
32 enforcement officer's duties and powers – Definition.

33 (a) A private school or private college or university law enforcement  
34 officer's primary jurisdiction is the private school or private college or  
35 university employing him or her, and except to the extent otherwise limited  
36 by the executive head of the private school or private college or university

1 appointing him or her, the private school or private college or university  
2 law enforcement officer shall:

- 3 (1) Protect property;
- 4 (2) Preserve and maintain proper order and decorum;
- 5 (3) Prevent unlawful assemblies, disorderly conduct, and  
6 trespass;
- 7 (4) Exclude and eject persons detrimental to the well-being of  
8 the private school or private college or university; and
- 9 (5) Regulate the operation and parking of motor vehicles upon  
10 property of the private school or private college or university.

11 (b)(1) A private school or private college or university law  
12 enforcement officer shall exercise police supervision on behalf of the  
13 private school or private college or university and may arrest any person in  
14 the private school or private college or university law enforcement officer's  
15 primary jurisdiction who is committing an offense against any law of the  
16 State of Arkansas or against the ordinances of the city or county in which  
17 the private school or private college or university is located.

18 (2) A private school or private college or university law  
19 enforcement officer may summon a posse comitatus if necessary to complete an  
20 arrest under subdivision (b)(1) of this section.

21 (c) A private school or private college or university law enforcement  
22 officer may make an arrest for an offense against any law of the State of  
23 Arkansas outside his or her primary jurisdiction if the private school or  
24 private college or university law enforcement officer is:

- 25 (1) Summoned by another law enforcement agency to provide  
26 assistance;
- 27 (2) Assisting another law enforcement agency;
- 28 (3) Exercising his or her police powers in accordance with a  
29 written mutual aid agreement or memorandum of understanding between the  
30 private school or private college or university and the municipality or  
31 county within which the private school or private college or university is  
32 located; or

33 (4)(A) Traveling to or from any location in the state on  
34 official business.

35 (B) As used in subdivision (c)(4)(A) of this section,  
36 "official business" includes without limitation:

1 (i) Engaging in intelligence-gathering activity  
2 relating to security on the property of the private school or private college  
3 or university employing him or her;

4 (ii) Investigating a crime committed on the property  
5 of the private school or private college or university employing him or her;

6 (iii) Transporting money, valuables, securities, or  
7 other valuables on behalf of the private school or private college or  
8 university employing him or her;

9 (iv) Providing security or protective services for  
10 officials or visiting dignitaries to the private school or private college or  
11 university employing him or her; or

12 (v) Continuously and immediately pursuing a person  
13 for an offense committed on the property of the private school or private  
14 college or university employing him or her or in the private school or  
15 private college or university law enforcement officer's eyesight.

16 (d)(1) When a private school or private college or university law  
17 enforcement officer makes an arrest outside his or her primary jurisdiction,  
18 the private school or private college or university law enforcement officer  
19 shall promptly notify the law enforcement agency with jurisdiction and  
20 forward a written report to the law enforcement agency with jurisdiction no  
21 later than the next working day.

22 (2) The law enforcement agency having jurisdiction may choose to  
23 conduct the investigation or allow the private school or private college or  
24 university law enforcement officer to conduct the investigation.

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26 12-20-203. Records kept by a private school or private college or  
27 university law enforcement agency.

28 Records generated or kept by a private school or private college or  
29 university law enforcement agency under this chapter are subject to the same  
30 record keeping and disclosure requirements of a state or local law  
31 enforcement agency.

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33 Subchapter 3 – Motor Vehicle Regulation.

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35 12-20-301. Rules and regulations for motor vehicles on private school  
36 or private college or university grounds.

1 (a)(1) Each private school or private college or university may  
2 promulgate and amend rules and regulations for the operation and parking of  
3 motor vehicles on its property as its governing board deems necessary if the  
4 rules and regulations do not conflict with governing state law or a city or  
5 county ordinance.

6 (2) The rules and regulations described in subdivision (a)(1) of  
7 this section may be submitted to the city or county where the property of the  
8 private school or private college or university is located for adoption as  
9 ordinances, including without limitation ordinances that:

10 (A) Limit the rate of speed; and

11 (B) Enforce other traffic rules, including control and  
12 direction of traffic.

13 (b) Speed limits shall be posted at reasonable intervals, and traffic  
14 and parking directions and prohibitions shall be indicated by signs.

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17 /s/L. Eads  
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20 **APPROVED: 4/1/21**  
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