

1 State of Arkansas
2 93rd General Assembly
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4

A Bill

HOUSE BILL 1197

5 By: Representatives Dalby, L. Fite, Tosh
6 By: Senator D. Wallace
7

For An Act To Be Entitled

9 AN ACT CONCERNING LAW ENFORCEMENT AGENCY
10 ORGANIZATION, STAFFING, AND PERSONNEL MATTERS; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING LAW ENFORCEMENT AGENCY
16 ORGANIZATION, STAFFING, AND PERSONNEL
17 MATTERS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-9-118 is amended to read as follows:

23 12-9-118. New or inactive law enforcement agency – Approval by
24 commission required – Definition.

25 (a) As used in this section, “inactive law enforcement agency” means a
26 law enforcement agency that existed and operated under a state law or local
27 ordinance in the past but that currently does not exist or has not operated
28 for at least ~~one (1) year~~ six (6) months.

29 (b) The chief executive officer or administrative head of an entity
30 authorized by law to create a new law enforcement agency or reactivate an
31 inactive law enforcement agency shall appear before the Arkansas Commission
32 on Law Enforcement Standards and Training to request the creation of the new
33 law enforcement agency or reactivation of the inactive law enforcement agency
34 and present the law and documentation regarding:

35 (1) The funding mechanism, funding source or sources, and
36 current budget proposal for the law enforcement agency;



1 (2) The proposed or enacted law enforcement agency policies,
 2 including without limitation policies regarding:

3 (A) Use of force;

4 (B) Vehicle pursuit;

5 (C) Professional conduct of law enforcement officers to be
 6 employed by the law enforcement agency; and

7 (D) ~~Biased-based policing~~ Racial profiling;

8 (3) The administrative structure and organizational chart of the
 9 law enforcement agency, consisting of, at a minimum, a full-time chief of
 10 police that reports to the chief executive officer or administrative head of
 11 the entity; and

12 (4) Any other information or documentation required by the
 13 commission.

14 (c) After the appearance and presentation under subsection (b) of this
 15 section, the commission shall approve or disapprove the request to create the
 16 new law enforcement agency or reactivate the inactive law enforcement agency.
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18 SECTION 2. Arkansas Code Title 12, Chapter 9, Subchapter 1, is amended
 19 to add an additional section to read as follows:

20 12-9-124. Part-time law enforcement officers – Number restricted.

21 (a)(1) A political subdivision may appoint a number of part-time law
 22 enforcement officers equal to two (2) part-time law enforcement officers for
 23 each full-time certified law enforcement officer employed full-time by and
 24 receiving a salary from the appointing law enforcement agency.

25 (2)(A) However, if a political subdivision has a need for a
 26 greater number of part-time law enforcement officers than is authorized in
 27 subdivision (a)(1) of this section due to special or unusual problems or
 28 circumstances, the political subdivision may make a request to the Arkansas
 29 Commission on Law Enforcement Standards and Training for additional part-time
 30 law enforcement officers.

31 (B) Each request under subdivision (a)(2)(A) of this
 32 section shall state the special or unusual problems or circumstances involved
 33 that justify the request, the number of additional part-time law enforcement
 34 officers requested, and such other information as the commission may require.

35 (C) If the commission finds that the public interest will
 36 best be served by allowing the political subdivision to appoint the

1 additional part-time law enforcement officers requested, the commission may
 2 grant the request under subdivision (a)(2)(A) of this section.

3 (b) This section does not restrict the number of honorary police
 4 officers without law enforcement authority.

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 6 SECTION 3. Arkansas Code § 12-9-602(b), concerning notice of
 7 employment, appointment, or separation from employment of a law enforcement
 8 officer, is amended to read as follows:

9 (b)(1) In a case of separation from employment or appointment, the
 10 employing agency shall notify the division in a manner adopted by the
 11 division, setting forth in detail the facts and reasons for the separation.

12 (2) In a case of a separation from employment or appointment for
 13 one (1) of the following reasons, the notice shall state that:

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

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

19 (C) The law enforcement officer was dismissed for a
 20 violation of the regulations of the law enforcement agency; ~~or~~

21 (D) The law enforcement officer resigned or retired while
 22 he or she was the subject of a pending internal investigation;

23 (E) The law enforcement officer was separated for
 24 excessive use of force; or

25 (F) The law enforcement officer was separated for
 26 dishonesty or untruthfulness.

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

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