

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 159

5 By: Senators L. Eads, B. Davis  
6

## For An Act To Be Entitled

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

15 TO AMEND THE LAW CONCERNING LAW  
16 ENFORCEMENT AGENCIES FOR PRIVATE COLLEGES  
17 AND UNIVERSITIES; AND TO ALLOW PRIVATE  
18 SCHOOLS TO ESTABLISH AND APPOINT AN  
19 INSTITUTIONAL LAW ENFORCEMENT OFFICER.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 12-9-102(1)(A), concerning the definition  
26 of "law enforcement agency", is amended to read as follows:

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

30 SECTION 2. Arkansas Code Title 12, Chapter 20, is amended to read as  
31 follows:

### Chapter 20

32 Law Enforcement Agencies for Private Schools and Private Colleges and  
33 Universities  
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35 Subchapter 1 – General Provisions.  
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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;

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

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

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

(4) "Private school" means a school offering instruction for students in grades kindergarten through twelve (K-12) in this state that is not a public school; and

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

12-20-102. Applicability – Cumulative effect.

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

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

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

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6 12-20-103. Enforcement.

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

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11 Subchapter 2 – Law Enforcement Officers.

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13 12-20-201. Appointment and removal of private school or private  
14 college or university law enforcement officers.

15 (a) An executive head of a private school or private college or  
16 university may appoint one (1) or more of the employees of the private school  
17 or private college or university as a private school or private college or  
18 university law enforcement officer for the private school or private college  
19 or university, who shall exercise law enforcement officer authority under the  
20 laws of this state.

21 (b) A private school or private college or university law enforcement  
22 officer shall:

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

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

31 (c)(1) The jurisdictional powers or responsibilities of a county  
32 sheriff or municipal police department over the property of a private school  
33 or private college or university or a person on the property of a private  
34 school or private college or university are not ceded to a private school or  
35 private college or university law enforcement officer.

36 (2) The appointment or designation of private school or private

1 college or university law enforcement officers does not supersede the  
2 authority of the ~~Department~~ Division of Arkansas State Police, a county  
3 sheriff, or a municipal police department of the jurisdiction within which  
4 the property of the private school or private college or university, or  
5 portions of it, is located.

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

9 (2) The private school or private college or university shall  
10 issue an identification card bearing the photograph of the private school or  
11 private college or university law enforcement officer who shall carry it on  
12 his or her person at all times when on duty and display it upon request.

13 (e)(1) A private school or private college or university law  
14 enforcement officer's authorization to have and to exercise the powers  
15 provided by law for law enforcement officers shall be further evidenced by a  
16 letter of appointment issued under the seal of the private school or private  
17 college or university.

18 (2) The executive head of the private school or private college  
19 or university shall maintain a file containing each private school or private  
20 college or university law enforcement officer's letter of appointment and all  
21 other certificates and information consistent with the rules of the  
22 commission.

23 (3)(A) The executive head of the private school or private  
24 college or university or the ~~department~~ division may revoke in writing the  
25 appointment to serve as a private school or private college or university law  
26 enforcement officer for the private school or private college or university.

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

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

32 (D) A private school or private college or university  
33 employing a private school or private college or university law enforcement  
34 officer shall notify the commission of any change in the private school or  
35 private college or university law enforcement officer's status within three  
36 (3) days.

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

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 6 12-20-202. Private school or private college or university law  
 7 enforcement officer’s duties and powers – Definition.

8 (a) A private school or private college or university law enforcement  
 9 officer’s primary jurisdiction is the private school or private college or  
 10 university employing him or her, and except to the extent otherwise limited  
 11 by the executive head of the private school or private college or university  
 12 appointing him or her, the private school or private college or university  
 13 law enforcement officer shall:

- 14 (1) Protect property;
- 15 (2) Preserve and maintain proper order and decorum;
- 16 (3) Prevent unlawful assemblies, disorderly conduct, and  
 17 trespass;
- 18 (4) Exclude and eject persons detrimental to the well-being of  
 19 the private school or private college or university; and
- 20 (5) Regulate the operation and parking of motor vehicles upon  
 21 property of the private school or private college or university.

22 (b)(1) A private school or private college or university law  
 23 enforcement officer shall exercise police supervision on behalf of the  
 24 private school or private college or university and may arrest any person in  
 25 the private school or private college or university law enforcement officer’s  
 26 primary jurisdiction who is committing an offense against any law of the  
 27 State of Arkansas or against the ordinances of the city or county in which  
 28 the private school or private college or university is located.

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

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

- 36 (1) Summoned by another law enforcement agency to provide

1 assistance;

2 (2) Assisting another law enforcement agency;

3 (3) Exercising his or her police powers in accordance with a  
4 written mutual aid agreement or memorandum of understanding between the  
5 private school or private college or university and the municipality or  
6 county within which the private school or private college or university is  
7 located; or

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

10 (B) As used in subdivision (c)(4)(A) of this section,  
11 “official business” includes without limitation:

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

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

17 (iii) Transporting money, valuables, securities, or  
18 other valuables on behalf of the private school or private college or  
19 university employing him or her;

20 (iv) Providing security or protective services for  
21 officials or visiting dignitaries to the private school or private college or  
22 university employing him or her; or

23 (v) Continuously and immediately pursuing a person  
24 for an offense committed on the property of the private school or private  
25 college or university employing him or her or in the private school or  
26 private college or university law enforcement officer’s eyesight.

27 (d)(1) When a private school or private college or university law  
28 enforcement officer makes an arrest outside his or her primary jurisdiction,  
29 the private school or private college or university law enforcement officer  
30 shall promptly notify the law enforcement agency with jurisdiction and  
31 forward a written report to the law enforcement agency with jurisdiction no  
32 later than the next working day.

33 (2) The law enforcement agency having jurisdiction may choose to  
34 conduct the investigation or allow the private school or private college or  
35 university law enforcement officer to conduct the investigation.

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1 12-20-203. Records kept by a private school or private college or  
2 university law enforcement agency.

3 Records generated or kept by a private school or private college or  
4 university law enforcement agency under this chapter are subject to the same  
5 record keeping and disclosure requirements of a state or local law  
6 enforcement agency.

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8 Subchapter 3 – Motor Vehicle Regulation.

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10 12-20-301. Rules and regulations for motor vehicles on private school  
11 or private college or university grounds.

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

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

21 (A) Limit the rate of speed; and

22 (B) Enforce other traffic rules, including control and  
23 direction of traffic.

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

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