

**Hall of the House of Representatives**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of House Bill No. 2513**

"AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE CONCERNING  
THE DEPARTMENT OF ARKANSAS STATE POLICE."

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**Amendment No. 1 to House Bill No. 2513.**

Amend House Bill No. 2513 as originally introduced:

Delete everything after the Enacting Clause and substitute:

"SECTION 1. Arkansas Code 12-8-103 is amended to read as follows:  
12-8-103. Commission's powers and duties - Restrictions.

(a) The Arkansas State Police Commission is directed to approve or disapprove each promotion or demotion and review each application for employment presented to it by the director for certification to the eligibility list.

(b) The Arkansas State Police Commission is directed to hear appeals ~~and approve or disapprove of~~ any disciplinary action taken against ~~an employee~~ a commissioned officer by the director that results in ~~transfer or loss of rank, pay, or seniority~~ removal, suspension, discharge, demotion, or disciplinary transfer. The appeal shall be heard under § 12-8-204(b).

(c) The members of the Arkansas State Police Commission are granted disciplinary authority equal to that of supervisory and administrative personnel of the department with respect to violations of rules and regulations committed by ~~a state police officer~~ an Arkansas State Police employee in the presence of a commissioner.

(d)(1) In addition to its existing powers and duties, the Arkansas State Police Commission is authorized to administer oaths and to subpoena witnesses, books, records, and other documents deemed necessary for the proper investigation and performance of any powers, functions, or duties of the commission.

(2) All such subpoenas shall be issued by the Chairman of the Arkansas State Police Commission or such other members of the commission as authorized by a majority vote of the membership of the commission.

(3) Any person failing to appear or to produce the books, records, or documents subpoenaed by the Arkansas State Police Commission shall be guilty of contempt. He shall be punished by the circuit court upon petition therefor being filed with the court by the Arkansas State Police Commission, in the same manner as provided by law for punishment of contempt of the circuit court.

(e) The commission shall perform the duties prescribed in this

chapter. For such purposes, it is authorized to promulgate and enforce reasonable and necessary rules and regulations.

~~(f) However, members~~ Members of the commission shall not exercise police powers, ~~or functions, neither shall they identify or equip their personal automobiles as a police car nor shall the appointment qualify a commissioner as a law enforcement officer as defined in § 12-9-102(1).~~

SECTION 2. Arkansas Code 12-8-104 is amended to read as follows:  
12-8-104. Director.

(a)(1) The Governor shall appoint a Director of the Department of Arkansas State Police who shall be the executive and administrative head of the department and shall receive a salary as fixed by law.

(2) The director shall be of good moral character and a resident and a qualified elector of the State of Arkansas.

(3) In addition to all other qualifications contained herein, the director, at the time of his appointment to the position of Director of the Department of Arkansas State Police, shall either:

(A) Be a college graduate with at least a bachelor's degree in criminology, business administration, or a related field; or

(B) Have graduated from a standard high school or vocational school and have eight (8) years of previous experience in law enforcement or a related field with considerable supervisory and administrative experience; or

(C) Have at least ten (10) years of experience in law enforcement.

~~(b) The director shall appoint, with the approval of the Governor, an Executive Secretary of the Department of Arkansas State Police, who shall receive an annual salary to be fixed by law.~~

~~(c)~~(b) The director shall determine the number of other officers and patrolmen to be employed by the department, and they shall be paid salaries according to rank, not exceeding the salaries provided for.

~~(d)~~(c) The director shall promote such rules and regulations as are necessary for the efficient operation of the Department of Arkansas State Police and for the enforcement of such duties as are herein prescribed.

~~(e)~~(d) The director shall keep the books and records of the department, which shall be audited as the books and accounts of other state departments.

~~(f)~~(e) An annual report to the Governor and a biannual report to the General Assembly showing the activities, number of arrests, amounts collected by the department, and disposition of all cases shall be made by the director of the department.

~~(g)~~(f) The director shall have supervision and control for the purpose of discipline and proper management of all the members and employees of the Department of Arkansas State Police.

~~(h)~~(g) The Director of the Department of Arkansas State Police may establish such divisions within the ranks of the Arkansas State Police as he may deem necessary and proper.

~~(i)~~(h) The director shall have the authority to transfer, assign, and reassign from one division to another division any member of the Arkansas State Police or other employee of the department, and, subject to the approval of the Arkansas State Police Commission, to promote or demote in rank, ~~subject to the approval of the Arkansas State Police Commission, any~~

member of the ~~Arkansas State Police or any employee of the~~ department whenever in his discretion such a course is necessary for the efficient operation of the department.

~~(j)~~(i) Due to the exacting and special duties of the Director of the Department of Arkansas State Police, the Director of the Department of Arkansas State Police is hereby authorized to draw an expense allowance in an amount not to exceed six hundred dollars (\$600) per month.

SECTION 3. Arkansas Code 12-8-105 is amended to read as follows:

12-8-105. Officers and members - Oath ~~—Bond.~~

(a)~~(1)~~ All members and officers of the Department of Arkansas State Police shall, before entering upon their duties, take oath now provided by law for public officials.

~~(2)~~(b) The director shall take the additional oath that he will not be either directly or indirectly interested in any purchase made by or for the department.

~~(3)~~(c) Any violation of oath shall constitute perjury and upon conviction shall be punished accordingly.

~~(4)~~(d) The oath provided for in this section shall be filed in duplicate, the original filed with the ~~Secretary of State~~ department, and a copy with the Secretary of the Arkansas State Police Commission.

~~(b)(1) The director and other officers and patrolmen of the Department of Arkansas State Police shall each furnish a surety bond in a sum prescribed by the commission to be approved by the chairman of the commission and filed with its secretary.~~

~~(2) The bonds shall be paid for out of the funds of the Department of Arkansas State Police.~~

SECTION 4. Arkansas Code 12-8-106(h), concerning municipal police authority on certain highways, is amended to read as follows:

(h)(1) Municipal police are prohibited from patrolling limited access highways, except as may be authorized by the Director of the Department of Arkansas State Police.

(2) Municipal police may patrol any service roads that are within their jurisdiction situated adjacent to limited access highways.

~~(2)(3) However, nothing~~ Nothing in this subsection shall prohibit a municipal police officer from responding to an accident or other emergency on a limited access highway.

SECTION 5. Arkansas Code 12-8-107 is amended to read as follows:

12-8-107. Arrests and detentions.

~~(a) It shall be the duty of the Department of Arkansas State Police, immediately upon the arrest of any person charged with violating any of the highway laws of this state or any rule or regulation governing the highways or any rule or regulation of the State Highway Commission, the Arkansas State Highway and Transportation Department, and the Revenue Division of the Department of Finance and Administration, or any other crime punishable as a misdemeanor, to take or summons the person before the judge of the municipal court, mayor, or justice of the peace having jurisdiction of the offense charged.~~

~~(b) It shall be the duty of the Department of Arkansas State Police immediately upon the arrest of any person charged with committing a felony to~~

~~place him in a county jail, and~~ If any Arkansas State Police officer delivers an arrested person to a county jail for detention, it shall be the duty of the jailer to receive the prisoner. The police officer may notify the sheriff or prosecuting officer of the county in which the crime was committed of the arrest and detention of the prisoner and make such lawful disposition of the prisoner as he is directed to do by the sheriff or prosecuting officer.

SECTION 6. Arkansas Code 12-8-111 is amended to read as follows:  
12-8-111. Cooperation among agencies.

(a) It shall be the duty of the Department of Arkansas State Police and its officers to cooperate with ~~the heads of the several penal institutions~~ other law enforcement agencies of this state in the investigation and apprehension of criminals and the prevention of crime within the state and to use every means at their disposal in disseminating information that will more effectively expedite the detection of crime, the apprehension and conviction of criminals, and promote the highest possible degree of efficiency in the enforcement of the ~~penal~~ criminal and traffic laws of the state.

(b) The ~~heads of the several penal institutions~~ law enforcement agencies of the state shall furnish to the Department of Arkansas State Police such information as they may have or shall hereafter acquire upon request of the director of the department relating to crime and criminals and otherwise cooperate with the department ~~for in the proper~~ enforcement of ~~this chapter~~ the criminal and traffic laws of this state.

SECTION 7. Arkansas Code 12-8-120(a), concerning the fee charged by the Arkansas State Police for background investigations, is amended to read as follows:

(a) The Arkansas State Police ~~Commission is~~ are hereby authorized to ~~develop the necessary rules and regulations to establish and~~ charge a fee, not to exceed twenty dollars (\$20.00), for each background investigation requested of and conducted by the Department of Arkansas State Police.

SECTION 8. Arkansas Code 12-8-123 is amended to read as follows:  
12-8-123. Accepting surplus U. S. Department of Defense property.

The Director of the Department of Arkansas State Police is hereby designated as the agent of the State of Arkansas for accepting surplus or excess United States Department of Defense property for its own use or for the purpose of distributing the same to city and county law enforcement agencies which have been designated by the office of the United States Department of Defense, Coordinator for Drug Enforcement Policy and Support, to receive property for counter-narcotics operations under the provisions of Section 1208 of Public Law 101-189 of fiscal year 1990-1991, of the National Defense Authorization Act.

SECTION 9. Arkansas Code 12-8-201 is amended to read as follows:  
12-8-201. Members of police force - Selection.

(a) The Director of the Department of Arkansas State Police shall appoint all members of the police force, subject to approval of the Arkansas State Police Commission and the director shall select the clerical and stenographic force of the department.

(b) The commission shall promulgate rules and regulations ~~pertaini~~

~~to civil service setting forth the minimum qualifications for employment as an Arkansas State Police officer and prescribing the manner of examination of applicants for the position.~~

(c) The director shall receive all applications for positions as Arkansas State Police officers and submit them to the commission for examination as to the physical fitness and mental qualifications of the applicants, and for such other examinations as ~~the commission may deem proper provided for by the commission's rules and regulations.~~

(d) All applications and examinations shall be in writing and shall be kept as a permanent file by the commission for not less than five (5) years.

(e) A list containing the names of all applicants who possess the necessary qualifications as determined by the commission shall be certified to the director. From this list, he shall make the final selection for the appointments, and any vacancy occurring in the Department of Arkansas State Police shall be filled from this list.

SECTION 10. Arkansas Code 12-8-202 is amended to read as follows:  
12-8-202. Qualifications of members.

(a) All applicants for positions as Arkansas State Police shall be citizens of the United States; however, said applicants must become citizens of the State of Arkansas in order to commence employment. Any applicant shall be employed strictly upon an efficiency basis, irrespective of race, gender, religion, or political affiliation.

(b) No person shall be eligible for a position as a commissioned member of the Department of Arkansas State Police who has been convicted of a felony in any state or federal court, who is prohibited by state or federal law from possessing a weapon, or who is known to be a person of immoral character.

(c) ~~All~~ Arkansas State Police shall ~~be chosen along the lines of civil service and shall~~ not be appointed as patronage or political favor.

SECTION 11. Arkansas Code 12-8-203 is amended to read as follows:  
12-8-203. Probationary period.

Each person who is selected as a member of the ~~state police force~~ Arkansas State Police shall be, for a period of one (1) year, a probationer and during that time may be discharged by the Director of the Department of Arkansas State Police with the approval of the Arkansas State Police Commission, ~~except as provided in § 12-8-204 with or without cause,~~ and provided further, that the probationary period shall not apply to those who have theretofore served a probationary period.

SECTION 12. Arkansas Code 12-8-204 is amended to read as follows:  
12-8-204. Tenure - Removal, suspension, or discharge.

(a) The members of the Department of Arkansas State Police shall hold their offices until and unless removed for cause.

(b) Should the Director of the Department of Arkansas State Police deem it necessary to remove, suspend, ~~or discharge,~~ demote, or transfer for disciplinary reasons any Department of Arkansas State Police officer, he shall do so by written notice.

(c) Any Department of Arkansas State Police officer so removed, suspended, ~~or discharged,~~ demoted, or transferred shall have the right of a ~~hearing before~~ appeal to the Arkansas State Police Commission, provided that

notice of the ~~hearing or~~ appeal shall be lodged with the commission within ten (10) days after notice to the officer of his discharge, removal, ~~or~~ suspension, demotion or disciplinary transfer. When so filed, the appeal shall be heard and determined by the commission within a reasonable time from the date the appeal is filed with the commission.

(d) An appeal may be taken to the Circuit Court of Pulaski County from any order of the commission discharging, removing, ~~or~~ suspending, demoting, or transferring for disciplinary reasons any member of the Department of Arkansas State Police force, provided the appeal is perfected within thirty (30) days from the date of the final order, made by the commission, and such appeal shall be heard by the circuit court without the introduction of any further testimony.

SECTION 13. Arkansas Code 12-8-206 is repealed.

~~12-8-206. Troopers first class.~~

~~(a) There is created a class for employment within the Department of Arkansas State Police to be identified as "trooper first class".~~

~~(b) To become eligible for classification as a trooper first class, a state police trooper:~~

~~(1) Shall have served for a period of at least five (5) years as a trooper in the Department of Arkansas State Police;~~

~~(2) Must have never received a formal resolution of reprimand from the Arkansas State Police Commission. However, the commission shall review the file of any trooper receiving a resolution of reprimand at least one (1) time per year to determine if the disqualification should be removed.~~

SECTION 14. Arkansas Code 12-8-207 is repealed.

~~12-8-207. Corporals.~~

~~(a) There is created a class for employment within the Department of Arkansas State Police to be identified as "corporal".~~

~~(b) To become eligible for classification as a corporal, a state police trooper shall have served for a period of at least ten (10) years as a trooper or trooper first class or both in the Department of Arkansas State Police.~~

SECTION 15. Arkansas Code 12-8-208 is repealed.

~~12-8-208. State police radio operators — Classification.~~

~~The Arkansas State Police Commission shall establish a method of classifying state police radio operators whereby salaries and incidental benefits shall be based upon longevity, tenure, and service.~~

SECTION 16. Arkansas Code 12-8-209 is amended to read as follows:

12-8-209. Salaries, expenses, and allowances.

(a) In addition to the salaries authorized in this section, the officers, patrolmen, and other employees of the Department of Arkansas State Police shall be entitled to and receive actual expenses incurred by them when on duty away from home.

(b)(1)(A)(i) The amounts payable for uniform allowance shall not exceed one thousand five hundred dollars (\$1,500) per annum for each state police colonel, lieutenant colonel, major, captain, lieutenant, sergeant, corporal, trooper first class, drug diversion manager, drug diversion investigator, and trooper.

(ii) However, each ~~state police trooper~~ Arkansas State Police officer in his first year of service may receive up to, but not to exceed, two thousand dollars (\$2,000) for uniform allowance during the first year.

(B) If funds are available, the Director of the Department of Arkansas State Police may increase the uniform allowance to not more than two thousand four hundred dollars (\$2,400) per annum.

(2) Each telecommunications supervisor, telecommunications operator, driver's license examiner, and driver's license or commercial driver's license coordinator may receive up to, but shall not exceed, one thousand dollars (\$1,000) per annum for uniform allowance.

(c) The amounts payable for special travel shall not exceed two thousand dollars (\$2,000) per annum for each state police colonel, lieutenant colonel, major, captain, lieutenant, sergeant, corporal, trooper first class, trooper, electronic technician, communication supervisor, drug diversion manager, and drug diversion investigator.

SECTION 17. Arkansas Code 12-8-210 is amended to read as follows:  
12-8-210. Insurance - Medical and hospital.

(a) The Department of Arkansas State Police is authorized and directed to obtain a policy or contract of medical and hospital insurance, or to establish a self-insurance fund in lieu thereof, to provide medical and hospital insurance for all uniformed employees of the department. The department shall pay the premium, fee, or other costs for the policy or contract, or payments into a self-insurance fund, from funds appropriated to the department for personal service matching or which may be specifically appropriated for that purpose.

(b) The Department of Arkansas State Police is authorized to provide hospitalization and medical services coverage under a group health insurance program or may, in lieu thereof, provide a coverage for hospitalization and medical insurance services under a self-insurance program established by the department, for the ~~wives~~ spouses and dependents of uniformed personnel of the Department of Arkansas State Police and to pay the premium thereon, or payments into the self-insurance fund, from funds appropriated for that purpose.

(c) In the event the Department of Arkansas State Police, acting pursuant to a resolution adopted by the Arkansas State Police Commission therefor, exercises the option to establish a self-insurance program, this program shall provide hospitalization and medical services coverage for uniformed employees of the department and for the spouses and dependents of uniformed personnel of the department, as authorized in this section, and shall be operated in accordance with policies, rules, procedures, and benefits prescribed by the Arkansas State Police Commission.

(d) Members of the Department of Arkansas State Police who retire and receive retirement benefits under the State Police Retirement System after July 1, 1985, shall be eligible to participate in the group health self-insurance program established by the Arkansas State Police Commission for uniformed personnel, and for their ~~wives~~ spouses and dependents, in the same manner and under the same conditions as provided in §§ 21-5-410 - 21-5-412 which authorize retired state employees receiving retirement benefits under the Arkansas Public Employees' Retirement System to participate in the state employees' hospitalization and medical insurance program.

SECTION 18. Arkansas Code 12-8-212 is amended to read as follows:  
12-8-212. Death benefits.

(a) When any police officer of the Department of Arkansas State Police, ~~or any police officer of the Arkansas State Highway and Transportation Department or its successor within the Department of Arkansas State Police~~ shall have lost his life in the course of employment, then upon satisfactory proof of such fact made to the Arkansas State Police Commission, a death benefit in the sum of ~~five thousand dollars (\$5,000)~~ twenty-five thousand dollars (\$25,000) shall be paid to the ~~wife~~ spouse of the deceased officer. In case no ~~wife~~ spouse survives ~~him~~ the officer, the death benefit shall be distributed equally among ~~his~~ the officer's children. The sum of ~~five thousand dollars (\$5,000)~~ twenty-five thousand dollars (\$25,000) shall be paid from the Department of Arkansas State Police Fund.

(b) For the purposes of this section, the term "in the course of employment" shall mean at any time when an officer is on duty as a police officer or is performing an act ordinarily performed by a police officer although such officer is not actually on duty at the time.

(c) Nothing herein contained shall be construed to limit or extinguish the right of any police officer or ~~his~~ the officer's survivors to any other benefits provided by law.

SECTION 19. Arkansas Code 22-3-404 is amended to read as follows:  
22-3-404. Enforcement.

(a) In order that the provisions of this subchapter might be enforced, ~~the Director of the State Police is directed to assign at least one (1) State Police officer to permanent duty on the State Capitol grounds between the hours of 7:00 a.m. and 6:00 p.m. on all days except Saturdays, Sundays, and holidays, and~~ the Secretary of State is directed to assign one (1) or more State Capitol Police officers. It shall be the responsibility of the Secretary of State to assure that at least one (1) certified law enforcement officer is on duty on the State Capitol grounds twenty-four (24) hours per day, seven (7) days per week.

(b) Each ~~State Police officer and~~ State Capitol Police officer so assigned is authorized to issue, upon determining a violation, a uniform traffic citation which shall be returnable in the Pulaski County Municipal Court. "

The Amendment was read \_\_\_\_\_  
By: Representative Hunt  
PBB/RTK - 032220011535  
RTK297

\_\_\_\_\_  
Chief Clerk