

A.C.A. § 5-64-501

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 64 Controlled Substances](#)
- [Subchapter 5 — Uniform Controlled Substances Act — Enforcement and Administration](#)

5-64-501. Powers of officials generally.

Any law enforcement officer, any person authorized to enforce this chapter, or any employee of the Department of Health designated by the Secretary of the Department of Health to conduct an examination, investigation, or inspection under this chapter relating to a controlled substance or to a counterfeit drug may:

- (1) Carry a firearm in the performance of his or her official duties;
- (2) Execute and serve a search warrant, arrest warrant, administrative inspection warrant, subpoena, or summons issued under the authority of this state;
- (3) Make an arrest without warrant for any offense under this chapter committed in his or her presence, or if he or she has probable cause to believe that the person to be arrested has committed a violation of this chapter that may constitute a felony;
- (4) Make a seizure of property pursuant to this chapter; or
- (5) Perform any other law enforcement duty as the secretary designates.

History

Acts 1971, No. 590, Art. 5, § 1; 1972 (1st Ex. Sess.), No. 67, § 5; 1979, No. 898, § 14; A.S.A. 1947, § 82-2625; Acts 2005, No. 1994, § 308; 2019, No. 910, § 4846.

A.C.A. § 5-73-112

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 1 — Possession and Use Generally](#)

5-73-112. Certification by a chief law enforcement officer regarding receipt or manufacture of a firearm.

(a) As used in this section:

(1) "Certification" means the participation and assent of the chief law enforcement officer or his or her designee necessary under federal law for the approval of an application to transfer or manufacture a firearm; and

(2) "Firearm" means the same as defined in § 5845(a) of the National Firearms Act, 26 U.S.C. § 5801 et seq. as it existed on January 1, 2015.

(b)

(1) When certification by the chief law enforcement officer of a jurisdiction is required by federal law or regulation for the transfer or manufacture of a firearm within fifteen (15) days of receipt of a request for certification, the chief law enforcement officer or his or her designee shall provide the certification if the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in the applicant's being prohibited by law from receiving or manufacturing the firearm.

(2) If the applicant is prohibited by law from receiving or manufacturing the firearm or is the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the chief law enforcement officer or his or her designee shall provide written notification to the applicant that states the reasons for his or her findings and that the certification is denied.

(c)

(1) An applicant whose request for certification is denied may appeal the denial to the circuit court where the applicant resides.

(2) The circuit court shall review the denial de novo.

(3) If the circuit court finds that the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the circuit court shall order the chief law enforcement officer to issue the certification to the applicant.

(d) Except as provided in subdivision (c)(3) of this section, the chief law enforcement officer of a jurisdiction and his or her employees who act in good faith are immune from civil liability arising from any act or omission in making a certification under this section.

History

Acts 2015, No. 720, § 1.

A.C.A. § 5-73-304

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 5 Criminal Offenses](#)
- [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#)
- [Chapter 73 Weapons](#)
- [Subchapter 3 — Concealed Handguns](#)

5-73-304. Exemptions.

(a)

(1)

(A) A current or former certified law enforcement officer, chief of police, court bailiff, county sheriff, or retired law enforcement officer is exempt from the licensing requirements of this subchapter if otherwise authorized to carry a concealed handgun.

(B) A former certified law enforcement officer whose employment was terminated by a law enforcement agency due to disciplinary reasons or because he or she committed a disqualifying criminal offense is not exempt from the licensing requirements of this subchapter.

(2) Solely for purposes of this subchapter, an auxiliary law enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the county sheriff of the county where he or she is acting as an auxiliary law enforcement officer is deemed to be a certified law enforcement officer.

(b) An employee of a local detention facility is exempt from the licensing requirements of this subchapter if the employee of a local detention facility is authorized in writing as exempt from the licensing requirements of this subchapter by the chief of police or county sheriff that employs the employee of a local detention facility.

(c) The authorization prescribed in subsection (b) of this section shall be carried on the person of the employee of a local detention facility and be produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places as set out in § 5-73-306.

(d) A retired law enforcement officer is exempt from the licensing requirements of this subchapter if the retired law enforcement officer is permitted to carry a concealed handgun under § 12-15-202(b).

(e) As used in this section, "employee of a local detention facility" means a person who:

(1) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:

(A) Securing a local detention facility;

(B) Monitoring inmates in a local detention facility; and

(C) Administering the daily operation of the local detention facility; and

(2) Has completed the minimum training requirements for his or her position.

History

Acts 1995, No. 411, § 2; 1995, No. 419, § 2; 1997, No. 696, § 1; 1997, No. 1239, § 8; 1999, No. 1508, §§ 1, 7; 2013, No. 415, § 1; 2013, No. 1220, § 1; 2017, No. 957, § 2.

A.C.A. § 6-10-128

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 6 Education](#)
- [Subtitle 2. Elementary and Secondary Education Generally](#)
- [Chapter 10 General Provisions](#)

6-10-128. School resource officers.

(a) A school district board of directors may accept from a local law enforcement agency with jurisdiction a school resource officer to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned to the school resource officer by the school or law enforcement agency.

(b) A school resource officer shall be a certified law enforcement officer and shall have statewide jurisdiction as described under § 16-81-118.

(c)

(1) A school district board of directors that accepts a school resource officer shall enter into a memorandum of understanding with the local law enforcement agency with jurisdiction, or adopt policies and procedures if the school district has an institutional law enforcement officer as described by § 6-13-1701 et seq., that governs the school resource officer and includes without limitation:

(A) The financial responsibilities of each party;

(B) The chain of command;

(C) The process for the selection of school resource officers;

(D) The process for the evaluation of school resource officers;

(E) The training requirements for school resource officers; and

(F) The roles and responsibilities of school resource officers, which shall include without limitation:

(i) Clarification of the school resource officer's involvement in student discipline;

(ii) The use of physical restraints or chemical sprays;

(iii) The use of firearms; and

(iv) Making arrests on the public school campus.

(2) The memorandum of understanding required under subdivision (c)(1) of this section shall be based on a model memorandum created by the Division of Elementary and Secondary Education and the Arkansas Center for School Safety of the Criminal Justice Institute, which shall include without limitation the requirements listed in subdivision (c)(1) of this section.

(3) The Division of Elementary and Secondary Education shall promulgate rules specifying how the adoption of a memorandum of understanding or policies and procedures shall be verified.

(d)

(1) Sworn, nonsupervisory law enforcement personnel, including without limitation school resource officers, who are assigned to a public school campus during the instructional day or employed by a public school district shall:

(A) Within eighteen (18) months of being assigned or employed by the public school district:

(i)

(a) Complete a forty-hour basic school resource officer training program developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(b) The training required under subdivision (d)(1)(A)(i)(a) of this section shall include without limitation:

(1) The roles and responsibilities of school resource officers in public schools;

(2) Laws that are specific to public schools and students in public schools; and

(3) Adolescent behavior and development; and

(ii)

(a) Attend a training in youth mental health as required by the State Board of Education.

(b) The youth mental health training required under subdivision (d)(1)(A)(ii)(a) of this section shall be obtained every four (4) years if the school resource officer remains assigned to or employed by a public school district;

(B)

(i) Within five (5) years after receiving the initial basic school resource officer training program, complete a sixteen-hour school resource officer refresher training developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(ii) The school resource officer refresher training required under subdivision (d)(1)(B)(i) of this section shall be completed every five (5) years; and

(C)

(i) Annually complete twelve (12) hours of public school-specific continuing education developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(ii) The youth mental health training required under subdivision (d)(1)(A)(ii) of this section and the school resource officer refresher training required under subdivision (d)(1)(B) of this section shall count towards the twelve (12) hours of public school-specific continuing education required under subdivision (d)(1)(C)(i) of this section in the years during which the youth mental health and school resource officer refresher trainings are completed.

(2) A school resource officer who is assigned by a public school for only extracurricular activities is exempt from the training requirements under subdivision (d)(1) of this section.

(e)

(1) A public school district superintendent and public school principal who accept a school resource officer or employ an institutional law enforcement officer as defined by § 6-13-1701 shall complete a one-hour school resource officer roles and responsibilities training developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute within nine (9) months of accepting or employing the school resource officer.

(2) Public school district personnel directly responsible for supervising a school resource officer shall complete a one-hour school resource officer roles and responsibilities training developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute within one (1) year of accepting or employing the school resource officer and every two (2) years thereafter.

(3) Training received by a licensed educator under subdivisions (e)(1) and (2) of this section may count towards the professional development required for renewal of an educator's license by the Division of Elementary and Secondary Education Rules Governing Professional Development.

(f)

(1) The Arkansas Center for School Safety of the Criminal Justice Institute shall monitor compliance with the continuing education and training requirements under this section.

(2) A school resource officer who fails to complete any training required under this section shall be unable to serve as a school resource officer until the training required under this section is complete.

(3) A school resource officer shall not be assigned to a public school district or a public school in which the public school district superintendent or public school principal has not completed the training required under this section.

History

Acts 2015, No. 1179, § 1; 2021, No. 551, § 1; 2021, No. 622, § 1; 2023, No. 237, § 2.

A.C.A. § 11-14-102

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 11 Labor and Industrial Relations](#)
- [Chapter 14 Voluntary Program for Drug-free Workplaces](#)

11-14-102. Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Alcohol" has the same meaning in this chapter as when used in the federal regulations describing the procedures used for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation, currently compiled at 49 C.F.R. Part 40;
- (2) "Alcohol test" means an analysis of breath or blood or any other analysis that determines the presence and level or absence of alcohol as authorized by the United States Department of Transportation in its rules and guidelines concerning alcohol testing and drug testing;
- (3) "Chain of custody" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results;
- (4) "Confirmation test", "confirmed test", or "confirmed drug or alcohol test" means a second analytical procedure used to identify the presence of a specific drug or alcohol or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy;
- (5) "Covered employer" means a person or entity that employs a person, is covered by the Workers' Compensation Law, § 11-9-101 et seq., maintains a drug-free workplace pursuant to this chapter, and includes on the posting required by § 11-14-105 a specific statement that the policy is being implemented pursuant to the provisions of this chapter. This chapter shall have no effect on employers who do not meet this definition;
- (6) "Director" means the Director of the Workers' Health and Safety Division of the Workers' Compensation Commission;
- (7) "Division" means the Workers' Health and Safety Division of the Workers' Compensation Commission;
- (8) "Drug" means any controlled substance subject to testing pursuant to drug testing regulations adopted by the United States Department of Transportation. A covered employer shall test an individual for all such drugs in accordance with the provisions of this chapter. The director may add additional drugs by rule in accordance with § 11-14-111;
- (9) "Drug or alcohol rehabilitation program" means a service provider that provides confidential, timely and expert identification, assessment, and resolution of employee drug or alcohol abuse;
- (10) "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered by a laboratory authorized to do so pursuant to this chapter for the purpose of determining the presence or absence of a drug or its metabolites pursuant to regulations governing drug testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the director;
- (11) "Employee" means any person who works for salary, wages, or other remuneration for a covered employer;
- (12)
 - (A) "Employee assistance program" means an established program capable of:
 - (i) Providing expert assessment of employee personal concerns;
 - (ii) Confidential and timely identification services with regard to employee drug or alcohol abuse;
 - (iii) Referrals of employees for appropriate diagnosis, treatment, and assistance; and

- (iv) Follow-up services for employees who participate in the program or require monitoring after returning to work.
- (B) If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services. These services shall in all cases be provided by the program;
- (13) "Employer" means a person or entity that employs a person and that is covered by the Workers' Compensation Law, § 11-9-101 et seq.;
- (14) "Initial drug or alcohol test" means a procedure that qualifies as a screening test or initial test pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the director;
- (15) "Job applicant" means a person who has applied for a position with a covered employer, who has been offered employment conditioned upon successfully passing a drug or alcohol test and who may have begun work pending the results of the drug or alcohol test;
- (16) "Medical review officer" means a licensed physician, pharmacist, pharmacologist or similarly qualified individual employed with or contracted with a covered employer who:
- (A) Has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures;
- (B) Verifies positive, confirmed test results; and
- (C) Has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information;
- (17) "Reasonable-suspicion drug testing" means drug or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of the covered employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
- (A) Observable phenomena while at work such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- (C) A report of drug or alcohol use provided by a reliable and credible source;
- (D) Evidence that an individual has tampered with a drug or alcohol test during employment with the current covered employer;
- (E) Information that an employee has caused, contributed to, or been involved in an accident while at work; or
- (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or used alcohol while working or while on the covered employer's premises or while operating the covered employer's vehicle, machinery, or equipment;
- (18) "Safety-sensitive position" means a position involving a safety-sensitive function pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation. For drug-free workplaces, the director is authorized to promulgate rules expanding the scope of "safety-sensitive position" to cases where impairment may present a clear and present risk to co-workers or other persons. "Safety-sensitive position" means, with respect to any employer:
- (A) A position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to:
- (i) Carry a firearm;
- (ii) Perform life-threatening procedures;
- (iii) Work with confidential information or documents pertaining to criminal investigations; or
- (iv) Work with controlled substances; or
- (B) A position in which a momentary lapse in attention could result in injury or death to another person; and
- (19) "Specimen" means tissue, fluid, or a product of the human body capable of revealing the presence of alcohol or drugs or their metabolites.

History

A.C.A. § 11-14-106

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 11 Labor and Industrial Relations](#)
- [Chapter 14 Voluntary Program for Drug-free Workplaces](#)

11-14-106. Required drug or alcohol tests.

(a) To the extent permitted by law, a covered employer who voluntarily establishes a drug-free workplace is required to conduct the following types of drug or alcohol tests:

(1) Job Applicant Drug and Alcohol Testing. A covered employer must require job applicants to submit to a drug test after a conditional offer of employment and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusing to hire a job applicant. An employer may test job applicants for alcohol, but is not required to, after a conditional offer of employment. Limited testing of applicants, only if it is based on a reasonable classification basis, is permissible in accordance with a Workers' Health and Safety Division rule;

(2) Reasonable-Suspicion Drug and Alcohol Testing. A covered employer must require an employee to submit to reasonable-suspicion drug or alcohol testing. A written record shall be made of the observations leading to a controlled-substances reasonable suspicion test within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier. A copy of this documentation shall be given to the employee upon request, and the original documentation shall be kept confidential by the covered employer pursuant to § 11-14-109 and shall be retained by the covered employer for at least one (1) year;

(3) Routine Fitness-For-Duty Drug Testing.

(A) A covered employer shall require an employee to undergo drug or alcohol testing, if as a part of the employer's written policy, the test is conducted as a routine part of a routinely scheduled employee fitness-for-duty medical examination or is scheduled routinely for all members of an employment classification or group. Provided, a public employer may require scheduled, periodic testing only of employees who:

(i) Are police or peace officers;

(ii) Have drug interdiction responsibilities;

(iii) Are authorized to carry firearms;

(iv) Are engaged in activities that directly affect the safety of others;

(v) Work in direct contact with inmates in the custody of the Division of Correction; or

(vi) Work in direct contact with minors who have been adjudicated delinquent or who are in need of supervision in the custody of the Department of Human Services.

(B) This subdivision (a)(3) does not require a drug or alcohol test if a covered employer's personnel policy on July 1, 2000, does not include drug or alcohol testing as part of a routine fitness-for-duty medical examination. The test shall be conducted in a nondiscriminatory manner. Routine fitness-for-duty drug or alcohol testing of employees does not apply to volunteer employee health screenings, employee wellness programs, programs mandated by governmental agencies, or medical surveillance procedures that involve limited examinations targeted to a particular body part or function;

(4) Follow-Up Drug Testing. If the employee in the course of employment enters an employee assistance program for drug-related or alcohol-related problems or a drug or alcohol rehabilitation program, the covered employer must require the employee to submit to a drug or alcohol test, as appropriate, as a follow-up to the program, unless the employee voluntarily entered the program. In those cases, the covered employer has the option to not require follow-up testing. If follow-up testing is required, it must be conducted at least one (1) time per year for a two-year period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested; and

(5) Post-Accident Testing. After an accident that results in an injury, the covered employer shall require the employee to submit to a drug or alcohol test in accordance with the provisions of this chapter.
(b) This chapter does not preclude an employer from conducting any lawful testing of employees for drugs or alcohol that is in addition to the minimum testing required under this chapter.

History

Acts 1999, No. 1552, § 6; 2019, No. 910, § 698.

A.C.A. § 12-8-202

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 8 Division of Arkansas State Police](#)
- [Subchapter 2 — Police Officers](#)

12-8-202. Qualifications of members.

(a)

(1)

(A) All applicants for positions as police officers of the Department of Arkansas State Police shall be citizens of the United States.

(B) However, the applicants must become citizens of the State of Arkansas in order to commence employment.

(2) 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 who:

(1) Has been convicted of a felony in any state or federal court;

(2) Is prohibited by state or federal law from possessing a weapon; or

(3) Is known to be a person of immoral character.

(c) Police officers of the department shall not be appointed as patronage or political favor.

History

Acts 1945, No. 231, § 6; A.S.A. 1947, § 42-406; Acts 1997, No. 380, § 1; 2001, No. 1697, § 10.

A.C.A. § 12-8-214

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 8 Division of Arkansas State Police](#)
- [Subchapter 2 — Police Officers](#)

12-8-214. Award of pistol and purchase of shotgun upon retirement or death.

(a) When a Department of Arkansas State Police officer retires from service or dies while still employed with the department, in recognition of and appreciation for the service of the retiring or deceased officer, the Arkansas State Police Commission may award the pistol carried by the officer at the time of his or her death or retirement from service to:

(1) The officer; or

(2) The officer's spouse, if the spouse is eligible under applicable state and federal laws to possess a firearm.

(b) When a department officer retires from service or dies while still employed with the department, in recognition of and appreciation for the service of the retiring or deceased officer, the commission may allow the purchase of the shotgun used by the officer while on duty at the time of his or her death or retirement from service at fair market value as determined by the commission by:

(1) The officer; or

(2) The officer's spouse, if the spouse is eligible under applicable state and federal laws to possess a firearm.

History

Acts 1981, No. 12, § 1; A.S.A. 1947, § 42-465; Acts 2003, No. 547, § 1; 2009, No. 155, § 1.

A.C.A. § 12-9-104

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 9 Law Enforcement Officer Training and Standards](#)
- [Subchapter 1 — Commission on Standards and Training](#)

12-9-104. Commission's powers generally.

In addition to powers conferred upon the Arkansas Commission on Law Enforcement Standards and Training elsewhere in this subchapter, the commission may:

- (1)
 - (A) Promulgate rules for the administration of this subchapter.
 - (B) The rules promulgated by the commission shall not go into full force and effect until the commission seeks the advice of the Legislative Council and the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees of the Legislative Council and the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor;
- (2) Require the submission of reports and information by police departments within this state;
- (3)
 - (A) Establish minimum selection and training standards for admission to employment as a law enforcement officer or as a private school or private college or university law enforcement officer.
 - (B) The minimum selection and training standards may take into account different requirements for urban and rural areas, full-time and part-time employment, and specialized police personnel;
- (4) Establish minimum curriculum requirements for preparatory, in-service, and advanced courses and programs of schools operated by or for the state and political subdivisions for the specific purpose of training recruits as law enforcement officers;
- (5) Consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, community colleges, and other institutions or organizations concerning the development of police training schools and programs or courses of instruction;
- (6) Approve institutions and facilities to be used by or for the state or any political subdivision of the state for the specific purpose of training law enforcement officers and recruits;
- (7) Adopt rules and minimum standards for schools, including without limitation:
 - (A) The curriculum for:
 - (i) Probationary police officers, which shall be offered by all certified schools, including without limitation courses on:
 - (a) Accident investigation;
 - (b) Arrest;
 - (c) Civil rights;
 - (d) Court testimonies;
 - (e) Criminal law;
 - (f) Firearms training;
 - (g) First aid;
 - (h) Handling of juvenile offenders;
 - (i) Human relations;
 - (j) Law of criminal procedure;
 - (k) Law of evidence;
 - (l) Physical training;

- (m) Race relations and sensitivity;
- (n) Recognition of mental conditions that require immediate assistance and methods to safeguard and provide assistance to a person in need of mental treatment;
- (o) Reports;
- (p) Search and seizure;
- (q) Statements;
- (r) Techniques of obtaining physical evidence;
- (s) Traffic control; and
- (t) Vehicle and traffic law; and
- (ii) Certified police officers, including without limitation refresher and in-service training in:
 - (a) Any of the courses listed in subdivision (7)(A)(i) of this section;
 - (b) Advanced courses in any of the subjects listed in subdivision (7)(A)(i) of this section;
 - (c) Training for supervisory personnel; and
 - (d) Specialized training in subjects and fields to be selected by the commission;
- (B) Minimum courses of study, attendance requirements, and equipment requirements;
- (C) Minimum requirements for instructors; and
- (D) Minimum basic training requirements that a probationary police officer must satisfactorily complete before being eligible for certification as a law enforcement officer;
- (8) Make and encourage studies of any aspect of police administration;
- (9) Conduct and stimulate research by public and private agencies designed to improve police administration and law enforcement;
- (10) Make recommendations concerning matters within its purview pursuant to this subchapter;
- (11) Make evaluations as may be necessary to determine if governmental units are complying with this subchapter;
- (12) Adopt and amend bylaws, consistent with law, for the commission's internal management and control;
- (13) Enter into contracts or do such things as may be necessary and incidental to the administration of this subchapter;
- (14) Facilitate training of certified law enforcement officers pursuant to a memorandum of understanding between the State of Arkansas and the United States Department of Justice or the United States Department of Homeland Security concerning the enforcement of federal immigration laws;
- (15) In consultation with the Arkansas Association of Chiefs of Police, develop and implement suggested selection and training requirements and nonmandatory basic and advanced levels of certification for chiefs of police;
- (16) In consultation with the Arkansas Sheriffs' Association, develop and implement suggested training requirements and nonmandatory basic and advanced levels of certification for county sheriffs;
- (17) Adopt rules to implement §§ 14-15-309 and 19-6-821; and
- (18) Impose administrative penalties against a law enforcement agency or governmental entity for violations of commission rules as permitted under § 12-9-120.

History

Acts 1975, No. 452, § 6; 1981, No. 427, § 4; 1983, No. 89, § 3; A.S.A. 1947, §§ 42-701.2, 42-1005; Acts 1993, No. 110, § 1; 1997, No. 179, § 8; 2005, No. 907, § 2; 2009, No. 793, § 1; 2013, No. 168, § 1; 2013, No. 227, § 1; 2013, No. 551, § 2; 2017, No. 497, § 4; 2021, No. 535, § 2.

A.C.A. § 12-9-108

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 9 Law Enforcement Officer Training and Standards](#)
- [Subchapter 1 — Commission on Standards and Training](#)

12-9-108. Failure to meet qualifications — Effect — Exemptions.

(a)

(1) Actions taken by law enforcement officers who do not meet all of the standards and qualifications set forth in this subchapter or made by the Arkansas Commission on Law Enforcement Standards and Training shall not be held invalid merely because of the failure to meet the standards and qualifications.

(2)

(A) The Director of the Division of Law Enforcement Standards and Training may temporarily suspend a law enforcement officer's ability to act as a law enforcement officer for failure to meet the standards or qualifications under this subchapter until the failure is corrected or pending review by the commission.

(B) Notification of a suspension under subdivision (a)(2)(A) of this section shall be made in a timely manner to the administrator of the law enforcement agency by which the law enforcement officer is employed.

(b)

(1) Nothing in this subchapter or any requirements made by the commission shall prevent any action by a private citizen that is now authorized by law.

(2) No provision of this subchapter shall affect the deputizing of a private citizen by a law enforcement officer in a time of a disaster or emergency.

(3) Nothing in this subchapter or any other law shall prohibit inspectors and code enforcement officers of cities, towns, or counties from issuing citations for the violation of municipal or county codes, ordinances, or regulations that they are charged by their city, town, or county with the duty of enforcing.

(4)

(A) Cities of the first class, cities of the second class, and incorporated towns are authorized to employ persons or to contract with private or public corporations, associations, or other entities, whether charitable, nonprofit, or for profit, that employ persons who do not meet certification requirements prescribed by the commission to enforce and execute any or all provisions of a municipal parking enforcement ordinance, including, but not limited to, the issuance of citations, the collection of fines, and any other parking enforcement process or procedure as may be established by ordinance of the municipality.

(B) Persons employed under this subdivision (b)(4) shall not carry firearms nor take any other official law enforcing action except that enumerated in subdivision (b)(4)(A) of this section.

History

Acts 1975, No. 452, § 10; 1983, No. 763, § 1; 1985, No. 580, §§ 1, 2; A.S.A. 1947, §§ 19-4912, 19-4913, 42-1009; Acts 1989 (3rd Ex. Sess.), No. 44, § 1; 1999, No. 1247, § 1; 2009, No. 204, § 1; 2017, No. 497, § 7.

A.C.A. § 12-9-110

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 9 Law Enforcement Officer Training and Standards](#)
- [Subchapter 1 — Commission on Standards and Training](#)

12-9-110. Training of civilians to file parking violations and traffic accident reports.

(a) The Arkansas Commission on Law Enforcement Standards and Training shall by rule establish the qualifications including minimum training standards for persons performing law enforcement-related duties pursuant to this section within cities of the first class and within other areas of the State of Arkansas for cadets that are appointed by the Director of the Division of Arkansas State Police.

(b) Municipal police departments of cities of the first class and the Division of Arkansas State Police may employ persons who do not meet certification requirements prescribed by the commission, and the persons may:

- (1) Issue citations for parking violations occurring within their respective jurisdictions; and
- (2) Prepare traffic accident reports and issue any related traffic citations.

(c) Persons employed under this section shall not carry firearms or take any other official law enforcement action except as prescribed by this section.

(d)

(1) Persons performing law enforcement duties pursuant to this section shall complete all training and meet all minimum standards prescribed by the commission for the exercise of that authority.

(2) However, the division and cities of the first class may establish more stringent training requirements.

History

Acts 1995, No. 910, § 1; 2001, No. 250, § 1; 2003, No. 1111, § 1; 2007, No. 137, § 1; 2019, No. 315, § 853; 2019, No. 910, §§ 5814-5816.

A.C.A. § 12-9-117

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 9 Law Enforcement Officer Training and Standards](#)
- [Subchapter 1 — Commission on Standards and Training](#)

12-9-117. Award of pistol upon retirement or death of a certified law enforcement officer employed by the division.

(a) When a certified law enforcement officer employed by the Division of Law Enforcement Standards and Training or a state-funded law enforcement training academy retires from service or dies while still employed with the division or the state-funded law enforcement training academy, in recognition of and appreciation for the service of the retiring or deceased certified law enforcement officer, the division or the state-funded law enforcement training academy may award the pistol carried by the certified law enforcement officer at the time of his or her death or retirement from service to:

- (1) The certified law enforcement officer; or
- (2) The certified law enforcement officer's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

(b)

(1) A certified law enforcement officer employed by the division or a state-funded law enforcement training academy may retain his or her pistol he or she carried at the time of his or her retirement from service.

(2) If the certified law enforcement officer dies while he or she is employed by the division or a state-funded law enforcement training academy, his or her spouse may receive or retain the pistol carried by the certified law enforcement officer at the time of his or her death, if the spouse is eligible under applicable state and federal laws to possess a firearm.

History

Acts 2015, No. 391, § 1; 2017, No. 183, § 1; 2017, No. 845, § 1; 2019, No. 910, § 5819.

A.C.A. § 12-9-304

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 9 Law Enforcement Officer Training and Standards](#)
- [Subchapter 3 — Auxiliary Law Enforcement Officers](#)

12-9-304. Appointment and training requirements.

(a)

(1) A person shall not function as an auxiliary law enforcement officer until the minimum standards for appointment and training requirements have been completed.

(2) An auxiliary law enforcement officer who has not met the minimum standards for appointment and training requirements shall have no law enforcement authority except that which is authorized for a private citizen.

(b) All persons who are serving as auxiliary law enforcement officers prior to March 24, 1983, are exempt from meeting the appointment requirements.

(c) The training requirements for auxiliary law enforcement officers shall be established by the Arkansas Commission on Law Enforcement Standards and Training, and the basic training course shall not exceed the part-time law enforcement officers' training requirements.

(d) Honorary police officers are exempt from the provisions of this subchapter.

(e) The commission may issue a certificate evidencing satisfactory completion of the requirements of this subchapter when evidence is submitted by the law enforcement agency director, chief, or county sheriff that the auxiliary law enforcement officer has met the training and selection requirements.

(f)

(1) The appointing law enforcement agency shall provide not less than one hundred ten (110) hours of commission-approved law enforcement training, which shall include a firearms qualification course equivalent to the firearms qualification requirements for a full-time law enforcement officer, and an auxiliary law enforcement officer shall not bear a firearm until having successfully completed the commission-approved law enforcement training.

(2) An auxiliary law enforcement officer is not required to requalify for firearms qualification beyond what a full-time law enforcement officer is required to complete for requalification for the purposes of carrying a concealed handgun while the auxiliary law enforcement officer remains appointed as an auxiliary law enforcement officer.

(g) Nothing in this section shall be construed to preclude any law enforcement agency from establishing qualifications and standards for appointing and training of auxiliary law enforcement officers that exceed those set by this subchapter or by the commission.

(h) Any auxiliary law enforcement officer failing to meet the training requirements as set forth in this subchapter shall lose his or her appointment as auxiliary law enforcement officer and shall not be reappointed until training requirements have been met.

(i) No person may be appointed or serve as an auxiliary law enforcement officer if the person has been convicted by a state or by the federal government of a crime, the punishment for which could have been imprisonment in a federal penitentiary or a state prison.

(j) Every person appointed or serving as an auxiliary law enforcement officer shall be a citizen of the United States and shall be at least twenty-one (21) years of age.

History

Acts 1983, No. 757, § 4; A.S.A. 1947, § 42-1404; Acts 2017, No. 497, § 18; 2017, No. 957, § 3; 2019, No. 151, § 4.

A.C.A. § 12-12-301

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 12 Crime Reporting and Investigations](#)
- [Subchapter 3 — State Crime Laboratory](#)

12-12-301. Establishment.

- (a) There is established a State Crime Laboratory.
- (b) The laboratory shall offer services to law enforcement in:
 - (1) Forensic pathology;
 - (2) Toxicology;
 - (3) Physical evidence analysis;
 - (4) DNA analysis;
 - (5) Drug analysis;
 - (6) Latent fingerprint identification;
 - (7) Firearms and toolmarks analysis;
 - (8) Digital evidence analysis; and
 - (9) Other such areas as the State Crime Laboratory Board deems necessary and appropriate.

History

Acts 1977, No. 517, § 1; 1979, No. 864, § 1; A.S.A. 1947, § 42-1201; Acts 2019, No. 636, § 1.

A.C.A. § 12-12-305

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 12 Crime Reporting and Investigations](#)
- [Subchapter 3 — State Crime Laboratory](#)

12-12-305. Housing and equipment — Functions.

- (a) There shall be established under the supervision of the Director of the State Crime Laboratory a central office and laboratory facility sufficient and adequate to house the various functions of the State Crime Laboratory as set out in this subchapter and as may be necessary and proper for the laboratory to perform in carrying out its official duties and functions as provided by law.
- (b) The laboratory shall have the equipment and personnel necessary to respond to the needs of all law enforcement agencies in the State of Arkansas with respect to the following functions:
- (1) Forensic toxicology, including without limitation chemical testing and analysis of body fluids and the performance of procedures to determine the presence and significance of toxic agents both in the investigation of death cases authorized by this subchapter and in other appropriate cases;
 - (2) Criminalistics, including without limitation chemical testing of trace evidence, physical and microscopic analysis of evidence, latent fingerprint identification and classification, firearms and toolmarks identification, serology, DNA analysis, DNA database administration, and computer forensic analysis;
 - (3) Drug analysis, including without limitation analyzing and identifying substances suspected as being controlled, illicit, or contraband drugs;
 - (4) Pathology and biology, including the investigation and determination of the cause and manner of deaths that become subject to the jurisdiction of the State Medical Examiner under § 12-12-318 and the general application of the medical sciences to assist the criminal justice system in the State of Arkansas; and
 - (5) Any other laboratory divisions, sections, or functions that, in the opinion of the State Crime Laboratory Board, may serve the needs of law enforcement in the State of Arkansas for laboratory analysis.

History

Acts 1979, No. 864, §§ 7, 8; A.S.A. 1947, §§ 42-1209, 42-1210; 2013, No. 323, § 1; 2019, No. 910, § 5844.

A.C.A. § 12-12-324

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 12 Crime Reporting and Investigations](#)
- [Subchapter 3 — State Crime Laboratory](#)

12-12-324. Testing by State Crime Laboratory.

(a) A firearm used in the commission of a crime that comes into the custody of a law enforcement agency in this state may be delivered to the State Crime Laboratory within thirty (30) calendar days for forensic testing for firearms meeting the caliber and type determined by the Director of the State Crime Laboratory.

(b)

(1)

(A) The laboratory may conduct forensic tests on all firearms received and input the resulting data into the National Integrated Ballistics Information Network of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives.

(B) The forensic tests may include without limitation firing of the firearm and electronic imaging of the bullets and casings.

(2) The laboratory shall coordinate with all participating agencies when investigations require the use of the National Integrated Ballistics Information Network computer database.

(3) The laboratory shall provide written analysis reports and experts for testimony when feasible.

(4) After completion of the forensic testing, the firearm shall be returned to the law enforcement agency that submitted the firearm for forensic testing.

(5) When the law enforcement agency regains possession of the firearm and after final adjudication, the law enforcement agency shall immediately notify the owner, unless the owner is prohibited by law from possessing the firearm, that the owner may regain possession of the firearm at the offices of the law enforcement agency.

(c) A law enforcement agency in this state may request the assistance of the Division of Arkansas State Police in tracing a firearm.

(d) A firearm seized by the Arkansas State Game and Fish Commission for violation of a commission rule is exempt from this section.

(e) The State Crime Laboratory Board may adopt rules for the implementation of this section, including without limitation rules regarding forensic testing of a firearm and procedures for submission of a firearm.

History

Acts 1999, No. 1558, §§ 1, 2; 2001, No. 788, § 1; 2005, No. 1257, § 1; 2019, No. 315, § 862; 2019, No. 910, § 5855; 2019, No. 1010, § 1.

A.C.A. § 12-14-108

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 14 State Capitol Police](#)

12-14-108. Award of pistol upon retirement or death.

When a State Capitol Police officer retires from service or dies while still employed with the State Capitol Police, in recognition of and appreciation for the service of the retiring or deceased officer, the Secretary of State may award the pistol carried by the officer at the time of his or her death or retirement from service to:

- (1) The officer; or
- (2) The officer's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

History

Acts 2005, No. 167, § 4.

A.C.A. § 12-15-201

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-201. Definitions.

As used in this subchapter:

- (1) "Auxiliary law enforcement officer" means a person certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the county sheriff or chief of police of a municipality where he or she is acting as an auxiliary law enforcement officer if the auxiliary law enforcement officer has completed the minimum training requirements and is certified as an auxiliary law enforcement officer in accordance with the commission;
- (2) "Certified law enforcement officer" means any appointed or elected law enforcement officer or county sheriff employed by a public law enforcement department, office, or agency who:
- (A) Is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state; and
- (B) Has met the selection and training requirements for certification set by the commission;
- (3) "Employee of a local detention facility" means a person who:
- (A) Is employed by a county sheriff or municipality that operates a local detention facility and whose job duties include:
- (i) Securing a local detention facility;
- (ii) Monitoring inmates in a local detention facility; or
- (iii) Administering the daily operation of the local detention facility;
- (B) Has completed the minimum training requirements; and
- (C) Has obtained authorization from the chief of police of the law enforcement agency or county sheriff and the authorization is:
- (i) In writing;
- (ii) In the possession of the employee of a local detention facility; and
- (iii) Produced upon demand at the request of any law enforcement officer or owner or operator of any of the prohibited places under § 5-73-306;
- (4) "In good standing" means that the person:
- (A) Was not terminated;
- (B) Did not resign in lieu of termination; or
- (C) Was not subject to a pending disciplinary action or criminal investigation at the time of his or her retirement or resignation from the public law enforcement department, office, or agency;
- (5) "Local detention facility" means a jail or other facility that is operated by a municipal police force or a county sheriff for the purpose of housing persons charged with or convicted of a criminal offense; and
- (6) "Public law enforcement department, office, or agency" means any public police department, county sheriff's office, or other public agency, force, or organization whose primary responsibility as established by law, statute, or ordinance is the enforcement of the criminal, traffic, or highway laws of this state.

History

Acts 1995, No. 1332, § 2; 2007, No. 675, § 1; 2013, No. 415, § 2; 2013, No. 1220, § 2; 2017, No. 957, § 4.

A.C.A. § 12-15-202

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-202. Eligibility to carry concealed handgun — Active or retired law enforcement officer.

-
- (a) A certified law enforcement officer or auxiliary law enforcement officer may carry a concealed handgun at any time if the certified law enforcement officer or auxiliary law enforcement officer:
- (1) Is presently employed by a public law enforcement department, law enforcement office, or law enforcement agency;
 - (2) Is not subject to any disciplinary action that suspends his or her authority as a certified law enforcement officer or auxiliary law enforcement officer;
 - (3) Is carrying a badge or appropriate written photographic identification issued by the public law enforcement department, law enforcement office, or law enforcement agency identifying him or her as a certified law enforcement officer or auxiliary law enforcement officer;
 - (4) Is not otherwise prohibited under federal law from receiving or possessing a firearm;
 - (5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 - (6) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system.
- (b)
- (1) A concealed handgun may be carried by any retired law enforcement officer or retired auxiliary law enforcement officer acting as a retired auxiliary law enforcement officer who:
 - (A) Retired in good standing from service with a public law enforcement department, law enforcement office, or law enforcement agency for reasons other than mental disability;
 - (B) Immediately before retirement was a certified law enforcement officer authorized by a public law enforcement department, law enforcement office, or law enforcement agency to carry a firearm in the course and scope of his or her duties;
 - (C) Is carrying appropriate written photographic identification issued by a public law enforcement department, law enforcement office, or law enforcement agency identifying him or her as a retired and former certified law enforcement officer;
 - (D) Is not otherwise prohibited under federal law from receiving or possessing a firearm;
 - (E) Has fingerprint impressions on file with the system together with written authorization for state and national level criminal history record screening;
 - (F) During the most recent twelve-month period has met, at the expense of the retired law enforcement officer, the standards of this state for training and qualification for active law enforcement officers to carry firearms;
 - (G) Before his or her retirement, worked or was employed as a law enforcement officer or acted as an auxiliary law enforcement officer for an aggregate of ten (10) years or more; and
 - (H) Is not under the influence of or consuming alcohol or another intoxicating or hallucinatory drug or substance.
 - (2)
 - (A) The chief law enforcement officer of the city or county shall keep a record of all retired law enforcement officers authorized to carry a concealed handgun in his or her jurisdiction and shall revoke any authorization for good cause shown.

(B) The Director of the Division of Arkansas State Police shall keep a record of all retired Department of Arkansas State Police or Division of Arkansas State Police officers authorized to carry a concealed handgun in the state and shall revoke any authorization for good cause shown.

(c)

(1)

(A) A firearms instructor certified by the Arkansas Commission on Law Enforcement Standards and Training who is employed by any law enforcement agency in this state may certify or recertify that a retired law enforcement officer has met the training and qualification requirements for certification set by the commission for active law enforcement officers to carry firearms.

(B) A retired law enforcement officer shall pay the expenses for meeting the training and qualification requirements described in subdivision (c)(1)(A) of this section.

(2) A firearms instructor who certifies or recertifies that a retired law enforcement officer has met the training and qualification requirements for certification set by the commission for active law enforcement officers to carry firearms under subdivision (c)(1)(A) of this section shall complete and submit any required paperwork to the commission.

(d) A certified or retired law enforcement officer or active or retired auxiliary law enforcement officer carrying a concealed handgun under this section is not subject to the prohibitions and limitations of § 5-73-306.

(e)

(1) Any presently employed certified law enforcement officer authorized by another state to carry a concealed handgun shall be entitled to the same privilege while in this state, but subject to the same restrictions of this section, provided that the state which has authorized the officer to carry a concealed handgun extends the same privilege to presently employed Arkansas-certified law enforcement officers.

(2) The director shall make a determination as to which states extend the privilege to carry a concealed handgun to presently employed Arkansas-certified law enforcement officers and shall then determine which states' officers' authority to carry concealed handguns will be recognized in Arkansas.

History

Acts 1995, No. 1332, § 1; 1997, No. 92, § 1; 1997, No. 302, § 1; 2001, No. 251, § 1; 2001, No. 585, § 1; 2003, No. 348, § 1; 2007, No. 134, § 1; 2007, No. 675, § 2; 2013, No. 415, § 3; 2013, No. 539, § 3; 2013, No. 1220, § 3; 2015, No. 958, § 1; 2015, No. 1161, § 1; 2017, No. 957, § 5; 2019, No. 910, §§ 5871, 5872; 2021, No. 710, §§ 1, 2; 2021, No. 766, §§ 2, 3; 2021, No. 948, § 1; 2023, No. 176, § 4.

A.C.A. § 12-15-203

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-203. Eligibility to carry concealed handgun — Employee of a local detention facility.

An employee of a local detention facility may carry a concealed handgun at any time if the employee of a local detention facility:

- (1) Is presently employed by a local detention facility;
- (2) Is not subject to any disciplinary action that suspends his or her authority as an employee of a local detention facility;
- (3) Is carrying a badge or appropriate written photographic identification issued by the local detention facility identifying him or her as an employee of a local detention facility;
- (4) Is not otherwise prohibited under federal law from receiving or possessing a firearm;
- (5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (6) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system.

History

Acts 2023, No. 176, § 5.

A.C.A. § 12-15-204

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-204. Bomb squad — Concealed carry of handgun authorized.

- (a) A member of a municipal fire department bomb squad may carry a concealed handgun if he or she:
- (1) Has successfully completed the part-time law enforcement officer course of study approved by the Arkansas Commission on Law Enforcement Standards and Training, as required for specialized police personnel;
 - (2) Is acting in his or her official capacity as a member of a municipal fire department bomb squad;
 - (3) Is not subject to any disciplinary action that suspends his or her authority as a member of the municipal fire department bomb squad;
 - (4) Is carrying a badge or appropriate written photographic identification issued by the municipal fire department identifying him or her as a member of the municipal fire department bomb squad;
 - (5) Is not otherwise prohibited under federal law from receiving or possessing a firearm;
 - (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 - (7) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system.
- (b) A member of a municipal fire department bomb squad carrying a concealed handgun under this section is not subject to the prohibitions and limitations of § 5-73-306.

History

Acts 2023, No. 166, § 4.

A.C.A. § 12-15-205

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-205. Eligibility to carry concealed handgun — Active or retired prosecuting attorney or deputy prosecuting attorney.

(a) A prosecuting attorney or deputy prosecuting attorney designated by the prosecuting attorney may carry a concealed handgun at any time if the prosecuting attorney or deputy prosecuting attorney designated by the prosecuting attorney:

- (1) Is presently holding the office of prosecuting attorney or is presently employed by a prosecuting attorney;
- (2) Is not subject to any disciplinary action that suspends his or her authority as a prosecuting attorney or deputy prosecuting attorney designated by the prosecuting attorney;
- (3) Is carrying a badge or appropriate written photographic identification issued by the prosecuting attorney identifying him or her as a prosecuting attorney or deputy prosecuting attorney designated by the prosecuting attorney;
- (4) Is not otherwise prohibited under federal law from receiving or possessing a firearm;
- (5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (6) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system.

(b)

(1) A concealed handgun may be carried by a retired prosecuting attorney or a retired deputy prosecuting attorney designated by the prosecuting attorney who:

- (A) Retired in good standing from service with a prosecuting attorney's office for reasons other than mental disability;
- (B) Immediately before retirement was authorized to carry a firearm in the course and scope of his or her duties;
- (C) Is carrying appropriate written photographic identification issued by a prosecuting attorney's office, identifying him or her as a retired prosecuting attorney or a retired deputy prosecuting attorney designated by the prosecuting attorney;
- (D) Is not otherwise prohibited under federal law from receiving or possessing a firearm;
- (E) Has fingerprint impressions on file with the system together with written authorization for state and national level criminal history record screening;
- (F) During the most recent twelve-month period has met the statutory requirements of § 16-21-147(b)(4);
- (G) Before his or her retirement, worked or was employed as a prosecuting attorney or as a deputy prosecuting attorney for an aggregate of ten (10) years or more; and
- (H) Is not under the influence of or consuming alcohol or another intoxicating or hallucinatory drug or substance.

(2) A prosecuting attorney shall keep a record of all retired prosecuting attorneys and retired deputy prosecuting attorneys designated by the prosecuting attorney authorized to carry a concealed handgun in his or her jurisdiction and may revoke any authorization only for good cause shown and not for an arbitrary or capricious reason.

(e) An active or retired prosecuting attorney or active or retired deputy prosecuting attorney designated by the prosecuting attorney carrying a concealed handgun under this section is not subject to the prohibitions and limitations of § 5-73-306.

History

Acts 2023, No. 176, § 5.

A.C.A. § 12-15-206

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-206. Eligibility to carry concealed handgun — Emergency medical technician.

(a) An emergency medical technician may carry a concealed handgun at any time if the emergency medical technician:

- (1) Is presently working as an emergency medical technician;
- (2) Is not subject to any disciplinary action that suspends his or her authority as an emergency medical technician;
- (3) Is carrying a badge or appropriate written photographic identification issued by a state licensing agency identifying him or her as an emergency medical technician;
- (4) Is not otherwise prohibited under federal law from receiving or possessing a firearm;
- (5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (6) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system.

(b) An emergency medical technician carrying a concealed handgun under this section is not subject to the prohibitions and limitations of § 5-73-306.

(c) An emergency medical technician may only carry a concealed handgun under this section if during the most recent twelve-month period he or she has met at his or her expense the standards of this state for training and qualification for active law enforcement officers to carry firearms.

History

Acts 2023, No. 176, § 5.

A.C.A. § 12-15-207

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-207. Eligibility to carry concealed handgun — Current or former judge or justice.

(a) A concealed handgun may be carried by a current or former district court judge, circuit court judge, Court of Appeals judge, or Supreme Court justice who:

(1) Is not otherwise prohibited under federal law from receiving or possessing a firearm; and
(2) Is not under the influence of or consuming alcohol or another intoxicating or hallucinatory drug or substance.

(b) A current or former district court judge, circuit court judge, Court of Appeals judge, or Supreme Court justice carrying a concealed handgun under this section is not subject to the prohibitions and limitations of § 5-73-306.

History

Acts 2023, No. 176, § 5.

A.C.A. § 12-15-208

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 2 — Concealed Handgun Permits](#)

12-15-208. Department of Corrections employees — Eligibility to carry concealed handgun.

(a) The Secretary of the Department of Corrections or his or her designee may authorize an employee of the Department of Corrections to carry a concealed handgun into a building in which or a location on which a law enforcement officer may carry a concealed handgun, as long as the individual:

- (1) Is presently employed with the department;
- (2) Is not subject to any disciplinary action that suspends his or her authority to work;
- (3) Is carrying a badge or appropriate written photographic identification issued by the department;
- (4) Is not otherwise prohibited under federal law from possessing or receiving a firearm;
- (5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;
- (6) Has provided written authorization for state- and national-level criminal history records screening with the results of the screening showing that the individual is eligible to legally possess and carry a firearm;
- (7) Has fingerprint impressions on file with the Division of Arkansas State Police automated fingerprint identification system; and
- (8) Has completed a weapons qualification course administered by the department.

(b) The secretary or his or her designee retains full discretion to deny an employee's request under this section.

(c) An individual carrying a concealed handgun under this section shall annually complete a weapons requalification course administered by the department.

(d) An individual authorized to carry a concealed handgun under this section:

- (1) Shall immediately be prohibited from carrying a concealed handgun under this section if the individual no longer meets the criteria stated in subdivisions (a)(2)-(5) of this section; and
- (2) Before his or her last day of employment with the department, may seek authorization from the secretary or his or her designee to continue to carry a concealed handgun under this section for an additional six (6) months after his or her last day of employment with the department.

(e)

(1) The secretary shall maintain a list of individuals authorized to carry a concealed handgun under this section.

(2) The list required under subdivision (e)(1) of this section:

(A) Shall identify the name and location of assignment for each individual authorized to carry a concealed handgun under this section;

(B) Shall be kept confidential; and

(C) Is not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

History

A.C.A. § 12-15-301

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 3 — Law Enforcement Personnel](#)

12-15-301. Sale of county-issued firearms to deputies.

(a)

(1) When any county sheriff's deputy retires or otherwise honorably terminates employment with the county sheriff, the officer may purchase any firearm which had been issued to the officer by the county sheriff.

(2) The county sheriff, with the approval of the county judge, may sell the firearm to the deputy at its fair market value as determined by the county sheriff.

(b) In regard to the sale of such firearms, the county sheriff is not required to comply with any other law of this state regarding the sale of county property.

History

Acts 1999, No. 451, § 1.

A.C.A. § 12-15-302

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 15 Weapons](#)
- [Subchapter 3 — Law Enforcement Personnel](#)

12-15-302. Award of pistol upon retirement or death of a county sheriff or deputy county sheriff.

(a) When a deputy county sheriff retires from service or dies while still employed with the county sheriff's department, in recognition of and appreciation for the service of the retiring or deceased deputy county sheriff, the county sheriff may award the pistol carried by the deputy county sheriff at the time of his or her death or retirement from service to:

(1) The deputy county sheriff; or

(2) The deputy county sheriff's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

(b)

(1) A county sheriff may retain his or her pistol he or she carried at the time of his or her retirement from service.

(2) If the county sheriff dies while he or she is still in office, his or her spouse may receive or retain the pistol carried by the county sheriff at the time of his or her death if the spouse is eligible under applicable state and federal laws to possess a firearm.

History

Acts 2015, No. 60, § 1.

A.C.A. § 12-17-101

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 2. Law Enforcement Agencies and Programs](#)
- [Chapter 17 State Drug Crime Enforcement and Prosecution Grant Fund](#)

12-17-101. Definitions.

As used in this chapter:

(1) "Drug crime" means a misdemeanor or felony criminal offense prosecuted in district court or circuit court that violates:

(A) Any provision of the Uniform Controlled Substances Act, § 5-64-401 et seq., or any solicitation, attempt, or conspiracy to violate the Uniform Controlled Substances Act, § 5-64-401 et seq.;

(B) Any criminal violation of state law, or any solicitation, attempt, or conspiracy to violate state law, committed for the purpose of unlawfully acquiring, obtaining, manufacturing, purchasing, procuring, possessing, distributing, delivering, shipping, or transporting controlled substances, prescription drugs, drug paraphernalia, or precursor chemicals or components used to manufacture controlled substances;

(C) Any criminal violation of state or federal law, or any solicitation, attempt, or conspiracy to violate state or federal law involving the use or possession of any fraudulent, falsified, forged, or altered identification card or document evidencing the identity of an individual, issued or purportedly issued by any state, federal, or foreign government, for the purpose of unlawfully acquiring, obtaining, manufacturing, purchasing, procuring, possessing, distributing, delivering, shipping, or transporting controlled substances, prescription drugs, drug paraphernalia, or precursor chemicals or components used to manufacture controlled substances;

(D) Any criminal violation of state or federal law, or any solicitation, attempt, or conspiracy to violate state or federal law, for the purpose of committing any act that constitutes money laundering, as defined by § 5-42-204, of proceeds and profits related to violations of the Uniform Controlled Substances Act, § 5-64-401 et seq.; or

(E) Any criminal violation of state or federal law or any solicitation, attempt, or conspiracy thereof, involving any firearm, deadly weapon, or explosive device used or possessed with intent to use:

(i) To enforce or facilitate any criminal act defined under the Uniform Controlled Substances Act, § 5-64-401 et seq.; or

(ii) To commit a criminal offense defined by Arkansas law that intimidates, threatens, injures, maims, or kills any law enforcement officer, prosecutor, judicial officer, or any other court official, witness, informant, or juror involved in the investigation or prosecution of any violation of the Uniform Controlled Substances Act, § 5-64-401 et seq.;

(2) "Investigate" means any law enforcement activities directed toward drug crimes, including without limitation prevention, eradication, investigation, and interdiction;

(3) "Law enforcement agency" means:

(A) Any county sheriff's office of any county in this state;

(B) Any municipal police department of an organized city or town within this state; and

(C) The Department of Arkansas State Police;

(4) "Multi-jurisdictional drug crime task force" means an association consisting of a minimum of two (2) law enforcement agencies and one (1) prosecuting attorney acting by agreement to jointly investigate and prosecute drug crimes in a defined geographic area or judicial district; and

(5) "Prosecuting attorney" means the elected prosecuting attorney for any judicial district, including without limitation appointed deputies and investigators.

History

Acts 2007, No. 1086, § 1.

A.C.A. § 12-27-143

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 3. Correctional Facilities and Programs](#)
- [Chapter 27 Division of Correction — Division of Community Correction](#)
- [Subchapter 1 — General Provisions](#)

12-27-143. Award of service weapon upon retirement or death of department employee.

When a Department of Corrections employee dies while still employed with the department, retires from service with at least twenty (20) years of service, or retires due to an injury obtained in the line of duty, in recognition of and appreciation for the service of the retiring or deceased employee, the Director of the Division of Correction, the Director of the Division of Community Correction, the Board of Corrections, or the Secretary of the Department of Corrections may award the service weapon carried by the employee at the time of his or her retirement from service or death to:

- (1) The employee;
- (2) The employee's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm; or
- (3)
 - (A) The surviving child of the employee if there is no surviving spouse and the surviving child is eligible under applicable state and federal laws to possess a firearm.
 - (B)
 - (i) If there is more than one (1) surviving child of the employee, the service weapon may be awarded to the oldest surviving child if he or she is eligible under applicable state and federal laws to possess a firearm.
 - (ii) If the oldest of the surviving children is not eligible to possess a firearm under applicable state and federal laws, then the service weapon may be awarded to the next-oldest surviving child if he or she is eligible to possess a firearm under applicable state and federal laws.

History

Acts 2011, No. 181, § 1; 2019, No. 106, § 1; 2019, No. 910, § 764; 2021, No. 329, § 2.

A.C.A. § 12-28-108

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 3. Correctional Facilities and Programs](#)
- [Chapter 28 State Correctional Facilities](#)
- [Subchapter 1 — General Provisions](#)

12-28-108. Audit of firearms and ammunition.

(a) The Department of Corrections shall conduct an audit of the number and types of firearms and number and types of ammunition owned by and in the possession of the correctional facilities of the department annually and shall send a copy of the audit to the Secretary of the Department of Corrections for review.

(b) The audit under subsection (a) of this section is exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

History

Acts 2022, No. 203, § 20.

A.C.A. § 12-61-115

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 4. Military Affairs](#)
- [Chapter 61 Military Forces](#)
- [Subchapter 1 — State Militia Generally](#)

12-61-115. Proclamation of emergency.

-
- (a) Whenever any portion of the militia is employed in aid of the civil authority, the Governor, if in his or her judgment the maintenance of law and order or preservation of the public health or security will thereby be promoted, may by proclamation declare the county, city, zone, or sector in which the troops are serving, or any specified portion thereof, to be in a state of insurrection or emergency.
- (b) Should the Governor proclaim a state of insurrection or emergency hereunder and in the event the local courts or law enforcement officers are incapable of functioning, such legal functions in furtherance of the enforcement of the civil laws of the state shall be performed by the militia.
- (c) This section does not authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition.
- (d) Any law enforcement officer or member of the militia who seizes or confiscates a firearm or ammunition from an individual under this section shall return the seized or confiscated firearm or ammunition to the individual unless:
- (1) The individual is arrested for a criminal offense; or
 - (2) The seized firearm or ammunition is needed as evidence in the furtherance of an investigation of a criminal offense.

History

Acts 1969, No. 50, §§ 8, 20; A.S.A. 1947, §§ 11-108, 11-120; Acts 2007, No. 1578, § 1.

A.C.A. § 12-64-815

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 12 Law Enforcement, Emergency Management, and Military Affairs](#)
- [Subtitle 4. Military Affairs](#)
- [Chapter 64 Military Justice](#)
- [Subchapter 8 — Punitive Articles](#)

12-64-815. Assaulting or willfully disobeying superior commissioned officer.

Any person subject to this code shall be punished as a court-martial may direct if he or she:
(1) Strikes his or her superior commissioned officer or draws or lifts up any weapon or offers any violence against him or her while he or she is in the execution of his or her office; or
(2) Willfully disobeys a lawful command of his or her superior commissioned officer.

History

Acts 1969, No. 50, § 133; 1983, No. 412, § 2; 1985, No. 670, § 9; A.S.A. 1947, § 11-715.

A.C.A. § 14-14-1314

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 14 Local Government](#)
- [Subtitle 2. County Government](#)
- [Chapter 14 County Government Code](#)
- [Subchapter 13 — Officers Generally](#)

14-14-1314. Constable training requirements — Uniform requirements.

(a)

(1)

(A) For a constable to have access to information from the Arkansas Crime Information Center:

(i) He or she shall satisfactorily complete the constable certification course provided by the Arkansas Commission on Law Enforcement Standards and Training; and

(ii) Each year after completing the certification course required under subdivision (a)(1)(A)(i) of this section, he or she shall satisfactorily complete sixteen (16) hours of training certified by the Arkansas Commission on Law Enforcement Standards and Training.

(B) For a constable to carry a firearm:

(i) He or she shall attend sixteen (16) hours of firearms training; and

(ii) Each year after completing the training required under subdivision (a)(1)(B)(i) of this section, he or she shall satisfy the firearm qualification standards for a law enforcement official.

(2) A constable holding office on July 31, 2007, is exempt from the requirements of subdivision (a)(1) of this section if the constable has completed:

(A) The Part-time Law Enforcement Officer training or higher level training course; and

(B) Mandatory racial profiling courses.

(b)

(1) In the performance of his or her official duties, a constable shall wear a uniform consisting of:

(A) A white shirt on formal occasions at any time;

(B)

(i) A constable identification patch on the left shoulder of the shirt and an American flag on the right shoulder.

(ii) The top of each patch shall be one inch (1") down from the shoulder seam of the shirt;

(C) A name tag above the right pocket flap of the shirt;

(D) A six-point star containing the words "Arkansas Constable" on the left side of the shirt; and

(E) The following pants:

(i) Tan pants; or

(ii) Blue or black pants on formal occasions.

(2) If a constable is engaged in search or rescue activities, he or she shall wear a uniform consisting of:

(A) A black shirt; and

(B) Black pants.

(c) In the performance of his or her official duties, a constable shall drive a motor vehicle that is:

(1) Equipped with emergency equipment; and

(2) Clearly marked with a six-point star and the words "Arkansas Constable".

(d) The county may pay reasonable expenses associated with the requirements of this section.

History

Acts 2007, No. 841, § 2; 2011, No. 561, § 4; 2013, No. 1113, § 1; 2019, No. 151, § 10; 2019, No. 910, § 5921.

A.C.A. § 14-15-102

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 14 Local Government](#)
- [Subtitle 2. County Government](#)
- [Chapter 15 Officers](#)
- [Subchapter 1 — General Provisions](#)

14-15-102. Environmental officer.

(a) Each county within this state may employ an environmental officer who shall inspect all landfills within that county, ensure compliance with all environmental ordinances, collect evidence of noncompliance and present the evidence to the prosecuting attorney. This officer shall issue citations for violation of any county ordinance prohibiting dumping of waste, garbage, litter, or any hazardous materials throughout the county.

(b) The environmental officer may complete the training course for law enforcement officers at the Arkansas Law Enforcement Training Academy. After satisfactory completion of the course the environmental officer shall be a law enforcement officer.

(c) After completing the training course at the Arkansas Law Enforcement Training Academy, the environmental officer may carry firearms, execute and serve any warrant or other processes issued under the authority of the county pertaining to violations of county ordinances concerning environmental protection, and make arrests and issue citations for violations of county ordinances concerning environmental protection.

History

Acts 1991, No. 722, §§ 1-3.

A.C.A. § 14-52-112

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 14 Local Government](#)
- [Subtitle 3. Municipal Government](#)
- [Chapter 52 Municipal Police Departments](#)
- [Subchapter 1 — General Provisions](#)

14-52-112. Award of pistol and purchase of shotgun upon retirement.

(a) When a law enforcement officer employed by a city of the first class, city of the second class, or incorporated town retires from service or dies while still employed with the city of the first class, city of the second class, or incorporated town, in recognition of and appreciation for the service of the retiring or deceased law enforcement officer, the mayor, city manager, or city administrator of the city of the first class, city of the second class, or incorporated town may award the pistol carried by the law enforcement officer at the time of his or her death or retirement from service to:

(1) The law enforcement officer; or

(2) The law enforcement officer's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

(b) When a law enforcement officer retires from service, the law enforcement officer may purchase the shotgun he or she used while on duty at the fair market value as determined by the mayor, city manager, or city administrator of the city of the first class, city of the second class, or incorporated town.

History

Acts 2007, No. 365, § 1.

A.C.A. § 14-53-112

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 14 Local Government](#)
- [Subtitle 3. Municipal Government](#)
- [Chapter 53 Municipal Fire Departments](#)

14-53-112. Fire marshal may be armed.

(a) For purposes of this section, "municipal fire marshal" means a person who holds a full-time office or position of fire marshal created by ordinance in a city of the first class, and who:

- (1) Is responsible for the detection and prevention of arson, the enforcement of laws relating to arson and other burning, and enforcement of the city and state fire prevention codes;
- (2) Has successfully completed a course of study for law enforcement officers approved by the Arkansas Commission on Law Enforcement Standards and Training;
- (3) Has successfully completed an eighty-hour fire and arson investigation course offered by the National Fire Academy, or the Arkansas Fire Training Academy, or an equivalent course; and
- (4) Has completed a one-week fire safety inspection class offered by the National Fire Academy or the Arkansas Fire Training Academy or an equivalent class.

(b) A municipal fire marshal is hereby authorized and empowered to carry a weapon and to make arrests for violations of the laws relating to arson and other unlawful burning.

History

Acts 1993, No. 1157, §§ 1, 2.

A.C.A. § 15-11-210

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 15 Natural Resources and Economic Development](#)
- [Subtitle 1. Development Of Economic And Natural Resources Generally](#)
- [Chapter 11 Publicity And Tourism](#)
- [Subchapter 2 — State Parks, Recreation, and Travel Commission](#)

15-11-210. Award of pistol upon retirement.

When a commissioned law enforcement officer of the State Parks Division of the Department of Parks, Heritage, and Tourism retires from service in good standing after twenty (20) years of service, in recognition of and appreciation for the service of the retiring officer, the Director of the State Parks Division may award to the officer the pistol carried by the officer at the time of his or her retirement from service.

History

Acts 2005, No. 1375, § 1; 2019, No. 910, § 5629.

A.C.A. § 16-13-1412

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 2. Courts and Court Officers](#)
- [Chapter 13 Circuit Courts](#)
- [Subchapter 14 — Sixth Judicial Circuit](#)

16-13-1412. Circuit court probation officers.

(a) The circuit judges of the First and Fifth Divisions of the Sixth Judicial District may appoint a chief probation officer and a deputy probation officer.

(b)

(1) The duties of the chief probation officer shall include the supervision of all persons on probation, the investigation of all matters referred to him or her by the court relating to the granting of suspended sentences, and the investigation of any other matters that may be referred to him or her by the court.

(2) The deputy probation officer shall perform all duties delegated to him or her by the chief probation officer, and all those referred to him or her by the court.

(3) The chief probation officer and the deputy probation officer, in the performance of their duties, may exercise all the powers of a deputy sheriff, which powers shall include the powers to make arrests, carry weapons, and serve summonses.

(c)

(1) The salary of the chief probation officer shall be twenty-five thousand dollars (\$25,000) per calendar year, which salary shall be paid by Pulaski County.

(2) The salary of the deputy probation officer shall be twenty-three thousand five hundred dollars (\$23,500) per calendar year, which salary shall be paid by Pulaski County.

(3) Any probation officer funded through or by the Board of Corrections is specifically excluded from the provisions of this section.

(d) Nothing in the provisions of this section shall be construed to repeal or modify the laws now in effect relating to the duties of the State Parole Officer.

(e)

(1) The salaries of the chief probation officer and coordinator probation officers set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; and another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid biweekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History

Acts 1985, No. 336, §§ 7-10; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 1, 12-14; 2011, No. 200, § 1.

A.C.A. § 16-13-1413

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 2. Courts and Court Officers](#)
- [Chapter 13 Circuit Courts](#)
- [Subchapter 14 — Sixth Judicial Circuit](#)

16-13-1413. Court bailiffs.

(a)

(1)

(A) The circuit judges of the Sixth Judicial District may each appoint one (1) court bailiff.

(B) If a circuit judge hears criminal cases, one (1) assistant court bailiff may also be appointed.

(2) The chancery judges of the Sixth Judicial District may each appoint one (1) court bailiff.

(3) The circuit-chancery judges of the Sixth Judicial District may each appoint one (1) court bailiff.

(b)

(1) The duties of the bailiffs shall include their attendance in their respective courts when court is in session and the supervision and maintenance of order in their respective courtrooms, providing security for individuals involved in court proceedings, officers of the court, and judges, and other incidental and related duties at the direction of the judges.

(2) The bailiffs shall exercise all the powers of a deputy sheriff, including the power to make arrests, carry a weapon, and serve summonses, and shall be certified law enforcement officers.

(3) The circuit-chancery judges may appoint at least one (1) probation officer to serve as assistant bailiff.

(c) The bailiffs and assistant bailiffs of each of the courts shall receive a salary as set by the Pulaski County Quorum Court.

(d)

(1) When the quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the above employees.

(2) Those employees covered by this section shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History

Acts 1985, No. 336, §§ 14-16; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 2, 12-14; 1991, No. 601, §§ 1-3; 1992 (1st Ex. Sess.), No. 51, § 2; 1993, No. 572, § 1.

A.C.A. § 16-13-2607

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 2. Courts and Court Officers](#)
- [Chapter 13 Circuit Courts](#)
- [Subchapter 26 — Eighteenth Judicial Circuit](#)

16-13-2607. Bailiffs.

(a) The circuit, chancery, and circuit-chancery judges of the Eighteenth Judicial District - East may each appoint one (1) court bailiff and, by concurrence of a majority of the judges in the judicial district, two (2) at-large bailiffs to serve as circumstances warrant.

(b)

(1) The duties of the bailiffs shall include:

(A) The supervision and maintenance of order in the courtroom;

(B) Providing security for the judges, officers of the court, jurors, and other individuals involved in court proceedings;

(C) Administering oaths; and

(D) Other related duties as assigned by the judges.

(2) When acting within the scope of their duties, the bailiffs shall exercise all the powers necessary and proper to perform their duties, including the powers of a deputy sheriff and the power to make arrests, carry a weapon, and serve summons.

(3) The bailiffs shall have and maintain law enforcement certification as is necessary to fully perform the functions of their office.

(c)

(1)

(A) The compensation package of the bailiffs shall be determined by the Garland County Quorum Court.

(B) If the quorum court raises salary benefits for county employees, it shall also raise salary or benefits an equivalent amount for the bailiffs.

(2) Any other employment or salary considerations will be governed by Garland County's Job Evaluation Salary Administration Program.

History

Acts 2001, No. 1529, § 1.

A.C.A. § 16-13-2704

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 2. Courts and Court Officers](#)
- [Chapter 13 Circuit Courts](#)
- [Subchapter 27 — Nineteenth Judicial Circuit](#)

16-13-2704. Bailiffs.

(a) The circuit, chancery, and circuit-chancery judges of the Nineteenth Judicial District may each appoint one (1) court bailiff.

(b)

(1) The duties of the bailiffs shall include the supervision and maintenance of order in their respective courtrooms, providing security for the judges, officers of the court, jurors, and other individuals involved in court proceedings, administering oaths, and other incidental and related duties at the direction of the respective judges.

(2) When acting within the scope of their duties, the court bailiffs shall exercise all the powers necessary and proper to the performance of their duties, including the powers of a deputy sheriff and the power to make arrests, carry a weapon, and serve a summons.

(3) A bailiff may maintain law enforcement certification existing or acquired during his or her service as bailiff.

(c) The pay of the bailiffs shall be determined by the quorum courts.

History

Acts 1993, No. 789, § 1.

A.C.A. § 16-13-3106

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 2. Courts and Court Officers](#)
- [Chapter 13 Circuit Courts](#)
- [Subchapter 31 — Seventh and Twenty-Second Judicial Circuits](#)

16-13-3106. Bailiffs.

(a)

(1) The circuit-chancery judges of the Twenty-second Judicial District may each appoint so many court bailiffs as the quorum courts of the district shall fund.

(2) The circuit-chancery judges of the Seventh Judicial District may each appoint so many court bailiffs as the quorum court of the district shall fund.

(b)

(1) The duties of the bailiffs shall include:

(A) Their attendance in their respective courts when court is in session and the supervision and maintenance of order in their respective courtrooms;

(B) Providing security for criminal defendants, juries, and judges; and

(C) Other incidental and related duties at the direction of the respective judges.

(2) When acting within the scope of their duties as court bailiffs, the bailiffs shall exercise all the powers of a deputy sheriff, which shall include the power to make arrests, carry a weapon, and serve summonses, and may maintain law enforcement certification existing or acquired during their service as bailiffs.

History

Acts 1997, No. 827, § 6; 1999, No. 7, § 6.

A.C.A. § 16-21-147

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 2. Courts and Court Officers](#)
- [Chapter 21 Prosecuting Attorneys](#)
- [Subchapter 1 — General Provisions](#)

16-21-147. Powers of deputy prosecuting attorney — Disposition of federal forfeiture funds.

(a) A deputy prosecuting attorney who is duly appointed in any county of a judicial district shall, with the prosecuting attorney's consent, have the authority to perform all official acts as a deputy prosecuting attorney in all counties within the district.

(b)

(1) A prosecuting attorney and those deputy prosecuting attorneys and other staff members he or she designates shall be considered law enforcement officers for the purposes of utilizing emergency, protective, and communication equipment in coordination with interagency cooperative investigations and operations.

(2) However, the prosecuting attorney and all members of his or her office shall have no greater arrest powers than those accorded all citizens under the Arkansas Constitution and the Arkansas Code.

(3) A prosecuting attorney and those deputy prosecuting attorneys designated by the prosecuting attorney may carry firearms.

(4) A prosecuting attorney who elects to carry a firearm or authorize his or her deputy prosecuting attorneys to carry a firearm shall adopt a weapons policy and a use of force policy.

(c) A prosecuting attorney shall have the power to appoint deputy prosecuting attorneys and other employees at such salaries as are authorized in the grant awards from the Department of Finance and Administration's Drug Law Enforcement Program, Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, as amended, or its successor.

(d) All federal forfeitures to a prosecuting attorney's office shall be deposited in a separate account pursuant to § 5-64-505(i)(4).

History

Acts 1993, No. 1306, § 4; 1999, No. 1120, § 7; 2013, No. 539, § 4.

A.C.A. § 16-81-106

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 6. Criminal Procedure Generally](#)
- [Chapter 81 Citation and Arrest](#)
- [Subchapter 1 — General Provisions](#)

16-81-106. Authority to arrest — Definition.

- (a) An arrest may be made by a certified law enforcement officer or by a private person.
- (b) A certified law enforcement officer may make an arrest:
- (1) In obedience to a warrant of arrest delivered to him or her; and
 - (2)
 - (A) Without a warrant, where a public offense is committed in his or her presence or where he or she has reasonable grounds for believing that the person arrested has committed a felony.
 - (B) In addition to any other warrantless arrest authority granted by law or court rule, a certified law enforcement officer may arrest a person for a misdemeanor without a warrant if the officer has probable cause to believe that the person has committed battery upon another person, the officer finds evidence of bodily harm, and the officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay.
 - (c)
 - (1) A certified law enforcement officer who is outside his or her jurisdiction may arrest without warrant a person who commits an offense within the officer's presence or view if the offense is a felony or a misdemeanor.
 - (2)
 - (A) A certified law enforcement officer making an arrest under subdivision (c)(1) of this section shall notify the law enforcement agency having jurisdiction where the arrest was made as soon as practicable after making the arrest.
 - (B) The law enforcement agency shall then take custody of the person committing the offense and take the person before a judge or magistrate.
 - (3) Statewide arrest powers for a certified law enforcement officer will be in effect only when the certified law enforcement officer is working:
 - (A) Outside his or her jurisdiction at the request of or with the permission of the municipal or county law enforcement agency having jurisdiction in the locale where the certified law enforcement officer is assisting or working by request; or
 - (B)
 - (i) As part of a child abduction response team.
 - (ii) As used in subdivision (c)(3)(B)(i) of this section, "child abduction response team" means a multiagency or multi-jurisdictional composite of community professionals who are trained and equipped to respond in the search and recovery of an abducted or endangered child.
 - (4) Any law enforcement agency exercising statewide arrest powers under this section must have a written policy on file regulating the actions of its employees relevant to law enforcement activities outside its jurisdiction.
 - (d) A private person may make an arrest where he or she has reasonable grounds for believing that the person arrested has committed a felony.
 - (e) A magistrate or any judge may orally order a certified law enforcement officer or private person to arrest anyone committing a public offense in the magistrate's or judge's presence, which order shall authorize the arrest.

(f) As used in this section, "certified law enforcement officer" includes a full-time game warden of the Arkansas State Game and Fish Commission so long as the game warden shall not exercise his or her authority to the extent that any federal funds would be jeopardized.

(g)

(1) The following persons employed as full-time law enforcement officers by the federal, state, county, or municipal government who are empowered to effect an arrest with or without warrant for violations of the United States Code and who are authorized to carry firearms in the performance of their duties shall be empowered to act as officers for the arrest of offenders against the laws of this state and shall enjoy the same immunity, if any, to the same extent and under the same circumstances as certified state law enforcement officers:

(A) Federal Bureau of Investigation special agents;

(B) United States Secret Service special agents;

(C) United States Citizenship and Immigration Services special agents, investigators, and patrol officers;

(D) United States Marshals Service deputies;

(E) United States Drug Enforcement Administration special agents;

(F) United States Postal Service postal inspectors and special agents;

(G) United States Customs and Border Protection special agents, inspectors, and patrol officers;

(H) United States General Services Administration special agents;

(I) United States Department of Agriculture special agents;

(J) United States Bureau of Alcohol, Tobacco, Firearms, and Explosives special agents;

(K) Internal Revenue Service special agents and inspectors;

(L) Certified law enforcement officers of the United States Department of the Interior, National Park Service, and the United States Fish and Wildlife Service;

(M) Members of federal, state, county, municipal, and prosecuting attorneys' drug task forces;

(N) Certified law enforcement officers of the United States Forest Service; and

(O) United States Treasury Inspector General for Tax Administration special agents.

(2) If an agency described in subdivision (g)(1) of this section changes its name, the law enforcement officers described in subdivision (g)(1) of this section that are employed by the agency remain empowered to act as officers for the arrest of offenders against the laws of this state and retain the same immunity, if any, to the same extent and under the same circumstances as certified state law enforcement officers.

(h) Pursuant to Article 2.124 of the Texas Code of Criminal Procedure, any certified law enforcement officer of the State of Arkansas or law enforcement officer specified in subsection (g) of this section shall be authorized to act as a law enforcement officer in the State of Texas with the same power, duties, and immunities of a peace officer of the State of Texas who is acting in the discharge of an official duty:

(1) During a time in which:

(A)

(i) The law enforcement officer from the State of Arkansas is transporting an inmate or criminal defendant from a county in Arkansas that is on the border of Texas to a hospital or other medical facility in a county in Texas that is on the border between the two (2) states.

(ii) Transportation to such a facility shall be for purposes including, but not limited to, evidentiary testing of that inmate or defendant as is authorized pursuant to laws of the State of Arkansas or for medical treatment; or

(B) The law enforcement officer from the State of Arkansas is returning the inmate or defendant from the hospital or facility in Texas to an adjoining county in Arkansas; and

(2) To the extent necessary to:

(A) Maintain custody of the inmate or defendant while transporting the inmate or defendant; or

(B) Retain custody of the inmate or defendant if the inmate or defendant escapes while being transported.

(i) A certified law enforcement officer trained pursuant to a memorandum of understanding between the State of Arkansas and the United States Department of Justice or the United States Department of Homeland Security is authorized to make an arrest in order to enforce federal immigration laws.

History

Crim. Code, §§ 32-35; C. & M. Dig., §§ 2903-2906; Pope's Dig., §§ 3719-3722; Acts 1983, No. 848, § 1; A.S.A. 1947, §§ 43-402 — 43-405; Acts 1987, No. 496, § 1; 1988 (3rd Ex. Sess.), No. 32, § 1; 1989, No. 715, § 1; 1989, No. 846, § 1; 1993, No. 362, § 1; 1993, No. 436, § 1; 1995, No. 719, § 1; 2005, No. 26, § 1; 2005, No. 907, § 4; 2005, No. 1994, § 267; 2009, No. 158, § 1; 2013, No. 423, § 1; 2017, No. 946, § 1; 2019, No. 913, § 2; 2023, No. 852, § 5.

A.C.A. § 16-93-103

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 16 Practice, Procedure, And Courts](#)
- [Subtitle 6. Criminal Procedure Generally](#)
- [Chapter 93 Probation and Parole](#)
- [Subchapter 1 — General Provisions](#)

16-93-103. Authority of officers to make arrests and carry firearms. [Effective until January 1, 2024.]

(a) A probation officer appointed by a circuit court or district court, excluding a juvenile probation officer, and a parole and probation officer employed by the Division of Community Correction who is a currently certified law enforcement officer may execute, serve, and return all lawful warrants of arrest issued by the State of Arkansas or any political subdivision of the state and are otherwise authorized to make lawful arrests as is any law enforcement officer of the State of Arkansas.

(b) A parole and probation officer either employed by the division or another entity authorized to employ a parole and probation officer may carry a:

(1) Firearm during all hours in which he or she is actively engaged in the obligations and duties of the office to which he or she is appointed or employed, pursuant to selection and training requirements under §§ 12-9-104, 12-9-106, and 12-9-107; and

(2) Nonstate-issued firearm during all hours in which he or she is not actively pursuing the obligations and duties of the office to which he or she is appointed.

(c) A parole and probation officer employed by the division may also carry:

(1) A nonstate-issued firearm as a secondary weapon while actively engaged in the duties of the office to which he or she is appointed or employed; and

(2) A state-issued firearm during all hours in which he or she is not actively engaged in the duties of the office to which he or she is appointed or employed, except that a parole and probation officer may not carry a firearm issued by the division while the parole and probation officer is actively working at employment other than for the division.

History

Acts 1983, No. 617, § 1; A.S.A. 1947, § 43-2332.1; Acts 1997, No. 283, § 1; 1999, No. 1456, § 1; 2003, No. 1185, § 218; 2005, No. 1994, § 324; 2017, No. 239, § 1.

A.C.A. § 20-64-316

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 20 Public Health and Welfare](#)
- [Subtitle 4. Food, Drugs, and Cosmetics](#)
- [Chapter 64 Alcohol and Drug Abuse](#)
- [Subchapter 3 — Arkansas Drug Abuse Control Act](#)

20-64-316. Authority of Department of Health employees to investigate, examine, and inspect.

Any officer or employee of the Department of Health designated by the Secretary of the Department of Health to conduct examinations, investigations, or inspections under this subchapter relating to depressant or stimulant drugs or to counterfeit drugs may, when so authorized by the secretary:

- (1) Carry firearms;
- (2) Execute and serve search warrants and arrest warrants;
- (3) Execute seizure by process issued pursuant to §§ 20-64-307 and 20-64-308;
- (4) Make arrests without warrant for offenses under this subchapter with respect to drugs if the offense is committed in his or her presence; and
- (5) Make seizures of drugs or containers or equipment, punches, dies, plates, stone, labeling, or other things, if they are, or he or she has reasonable grounds to believe that they are, subject to seizure and condemnation under §§ 20-64-307 and 20-64-308.

History

Acts 1967, No. 492, § 9; A.S.A. 1947, § 82-2109; Acts 2019, No. 910, § 5100.

A.C.A. § 21-6-307

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 21 Public Officers and Employees](#)
- [Chapter 6 Fees](#)
- [Subchapter 3 — County Officers](#)

21-6-307. Sheriffs.

(a) The following fees shall be charged by each of the sheriffs of the several counties of the State of Arkansas:

- (1) For serving every summons, capias, scire facias, attachment, writ of garnishment, writ of injunction, or subpoena \$ 30.00
- (2) For serving a writ of execution 100.00
- (3) For commission for receiving and paying money on execution or process when lands or goods have been taken into custody, advertised, or sold 10%
- (4) For every return of a writ, summons, or subpoena, original or judicial 20.00
- (5) For executing a writ of inquiry 20.00
- (6) For executing a certificate of purchase for real estate under execution 20.00
- (7) For making, executing, and subscribing a sheriff's deed to be paid by purchaser 30.00
- (8) For serving each order, notice, or rule of any court 30.00
- (9) For serving each notice to vacate 30.00
- (10) For advertising goods or lands for sale 30.00
- (11) For returning each execution or attachment 20.00
- (12) For advertising elections in each voting precinct 20.00
- (13) For delivering voter registration books for each voting precinct 20.00
- (14) For serving warrant or order of arrest from any court 50.00
- (15) For taking and entering every bail or delivery bond 20.00
- (16) For attending every trial of a criminal or civil case of confession in open court 20.00
- (17) For serving subpoena for special jurors 20.00.

(b)

(1) Seventy-five percent (75%) of all fees collected by the sheriff shall be paid into the county treasury in the manner provided by law, or to the person entitled to receive the money, or to his or her order, or to his or her attorney of record.

(2)

(A) The remaining twenty-five percent (25%) of all fees collected by the sheriff shall be used by the sheriff to establish a special fund to be known as the "communications facility and equipment fund".

(B) All funds so designated shall be invested by the sheriff in an interest-bearing account or certificate of deposit into one (1) or more banking institutions domiciled within the State of Arkansas and insured by the Federal Deposit Insurance Corporation.

(C) All sums paid into the communications facility and equipment fund by the sheriff may accumulate as to principal and interest until such time as the deposits or a portion thereof are needed by the sheriff to:

- (i) Train operations staff;
- (ii) Operate, equip, repair, or replace existing communications equipment;
- (iii) Purchase additional communications equipment;
- (iv) Otherwise improve a communications facility or system for the sheriff's department; or
- (v) Purchase vehicles, weapons, or other equipment for the sheriff's department.

- (D) At the discretion of the sheriff, any funds not needed by the sheriff for any of the purposes under this subdivision (b)(2) may be transferred to the county general fund.
- (c) The court clerk shall on or before the fifteenth day of each month transmit to the sheriff the fees collected under this section, and the sheriff shall dispose of the fees as provided in this section.
- (d) If more persons than one (1) are named in a writ, process, or subpoena, fees shall be charged for each named, unless parties reside or are employed in the same location.
- (e) The fees provided shall be for serving of process from any of the several courts of the county.
- (f) The fees set forth in this section shall be the sole and exclusive fees to be charged by the sheriffs of the several counties of this state for each of the services enumerated in this section.

History

Acts 1977, No. 399, § 1; 1981, No. 256, § 1; 1983, No. 717, § 1; 1985, No. 851, § 1; A.S.A. 1947, § 12-1722; Acts 1995, No. 662, § 1; 2001, No. 1427, § 1; 2003, No. 1338, § 1; 2015, No. 741, § 3.

A.C.A. § 23-12-703

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 23 Public Utilities and Regulated Industries](#)
- [Subtitle 1. Public Utilities And Carriers](#)
- [Chapter 12 Operation and Maintenance of Railroads](#)
- [Subchapter 7 — Policing Trains](#)

23-12-703. Railroad police — Powers.

Each police officer shall have and exercise throughout the State of Arkansas the power to make arrests for the violation of any law on the property of the company, and to arrest persons, whether on or off the company's property, for the violation of any law on the company's property, under the same conditions under which deputy sheriffs or other peace officers may by law make arrests and shall have the authority to carry weapons for the reasonable purposes of the office of railroad police officer.

History

Acts 1973, No. 57, § 3; A.S.A. 1947, § 73-636.

A.C.A. § 24-4-101

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 24 Retirement And Pensions](#)
- [Chapter 4 Arkansas Public Employees' Retirement System](#)
- [Subchapter 1 — General Provisions](#)

24-4-101. Definitions.

As used in this act:

- (1) "Accumulated contributions" means the sum of all amounts deducted from the compensations of a member and credited to his or her individual account in the member's deposit account, together with regular interest as may have been credited thereon;
- (2) "Actual service" means service credited at the rate of one (1) month for each month of service;
- (3) "Actuarial equivalent" means a benefit of equal reserve value when "reserve" means the present value of all payments to be made on account of any benefit based upon such reasonable rates of interest and tables of experience as a plan shall adopt from time to time;
- (4) "Actuary" means a qualified actuary with experience in retirement plan financing. Membership in the American Academy of Actuaries shall be sufficient for a person to be deemed a qualified actuary;
- (5) "Age" means age on last birthday;
- (6)
 - (A) "Annuity" means a monthly amount payable from funds of the Arkansas Public Employees' Retirement System throughout the life of a person.
 - (B) All annuities shall be paid in equal monthly installments;
- (7) "Annuity reserve" means the present value of an annuity computed upon the basis of mortality and other such tables of experience and regular interest, as the Board of Trustees of the Arkansas Public Employees' Retirement System shall adopt;
- (8) "Beneficiary" means any person except a retirant who is receiving or is designated by a member to receive a plan benefit;
- (9) "Benefit program" means a schedule of benefits or benefit formulas from which the amounts of benefits can be determined;
- (10) "Board" means the Board of Trustees of the Arkansas Public Employees' Retirement System, as created in this act;
- (11) "Border municipal airport authority" means a border municipal airport authority created under the Municipal Airports Act, § 14-361-101 et seq., that chooses to participate in the Arkansas Public Employees' Retirement System;
- (12)
 - (A) "Compensation" means the recurring remuneration, paid to a member and reported on a Form W-2 Wage and Tax Statement by a participating public employer for personal services rendered by the member in a position covered by a participating public employer in the Arkansas Public Employees' Retirement System.
 - (B) The following are recurring remuneration for personal services for the purposes of determining retirement benefits:
 - (i) Career service recognition payments paid to a member under § 21-5-106;
 - (ii) Payments made to a member under § 21-5-1101, including without limitation a lump-sum payment;
 - (iii)
 - (a) Except as provided in subdivision (12)(B)(iii)(b) of this section, payments made to a member under § 14-14-1206(a), including without limitation a bonus or lump-sum payment.
 - (b) The maximum amount of the bonus or lump-sum payment that will be considered to be compensation during the last year of a member's employment is the lesser of five percent (5%) of the

current year's salary or the amount of the bonus or lump-sum payment that was received by the member during the previous year of employment;

(iv)

(a) Except as provided in subdivision (12)(B)(iv)(b) of this section, a bonus or lump-sum payment made to a municipal employee as provided in the municipality's annual budget under § 14-42-308.

(b) The maximum amount of the bonus or lump-sum payment that will be considered to be compensation during the member's last year of employment is the lesser of five percent (5%) of the current year's salary or the amount of the bonus or lump-sum payment that was received by the member during the previous year of employment; and

(v) Lump-sum payments made to a member under § 21-5-211 and § 21-5-219 [repealed].

(C) If a member's compensation includes either lodging or meals, or both, exclusive of travel expense, the cash value of the lodging and meals shall be fixed by the Board of Trustees of the Arkansas Public Employees' Retirement System, not to exceed the amount the employee is required to report for federal income tax purposes.

(D) Except as provided in subdivision (12)(C) of this section, "compensation" includes only the base salary of the member and does not include a multiplier or other special salary allowance used to increase a person's salary as authorized by the General Assembly;

(13) "Contributory member" means:

(A) A person who was a member of the Arkansas Public Employees' Retirement System prior to January 1, 1978, and who continues to contribute a percentage of his or her compensation to the Arkansas Public Employees' Retirement System under § 24-4-401; or

(B) A person first hired on or after July 1, 2005, or a noncontributory member under § 24-4-1101 et seq.;

(14) "County" means any county in the state and includes all agencies, offices, departments, boards, commissions, and county-supported institutions that are duly constituted agencies of the county;

(15)

(A) "County employees" means all employees whose compensations are payable, either directly or indirectly, by county participating public employers and includes employees of the Association of Arkansas Counties.

(B) In any case of doubt as to who is a county employee within the meaning of this act, the Board of Trustees of the Arkansas Public Employees' Retirement System shall have the final power to decide the question;

(16)

(A) "Credited service" means the sum of the prior service and current service to the extent credited a member by the Board of Trustees of the Arkansas Public Employees' Retirement System, in accordance with the provisions of § 24-4-521.

(B) Any member first hired on or after July 1, 2005, to a covered position whose service is credited at a rate other than that defined in subdivision (2) of this section shall accrue that credit on no more than ten (10) actual years of service;

(17)

(A) "Current service" means service rendered to a public employer by a member from and after the date he or she became a member.

(B) In the case of a nonstate employee, service rendered by the employee to a public employer in the period from June 30, 1957, to the date his or her employer became a participating public employer, which period is called interim current service, shall be included as current service, but only if the employee satisfies the conditions set forth in Acts 1965, No. 153, § 10 [repealed];

(18)

(A)

(i)

(a) "Employees" means all officers and employees of any office, agency, board, commission, including the Division of Higher Education, or department of a public employer whose compensations were or are payable from funds appropriated by the public employer and all otherwise eligible employees whose compensations were or are payable in whole or part from federal funds, as well as the official court reporters and stenographers of the circuit and chancery courts of the state and all of the prosecuting attorneys of the judicial districts of Arkansas.

(b) In addition, effective July 1, 1983, the term "employees" shall include those persons who are eligible for benefits from the Teachers Insurance and Annuity Association but who are otherwise eligible for participation in the Arkansas Public Employees' Retirement System due to employment with a public employer.

(ii) Any person who has previously been denied coverage under the Arkansas Public Employees' Retirement System because the person was or is paid from a grant instead of funds appropriated by the public employer shall from July 1, 1991, become a member of the Arkansas Public Employees' Retirement System if in an otherwise eligible position due to being an employee of a public employer, and a member may at his or her option receive credit for service rendered before that date as an employee paid from a grant, subject to the following conditions:

(a) The member is a participating employee covered under the Arkansas Public Employees' Retirement System at the time of the purchase;

(b) The member furnishes proof in a form required by the Arkansas Public Employees' Retirement System of the service and compensation received;

(c) The member pays or causes to be paid all employee contributions at the rate and on the compensation that would have been paid had he or she been a member during that time, all employer contributions based on the employer normal cost from the most recently completed regular annual actuarial valuation and the compensation that would have been paid had he or she been a member during that time, and regular interest on the employee and employer contributions. The interest shall be computed from the date the service was rendered to the date the payment is received by the Arkansas Public Employees' Retirement System. The member may purchase all of the service or any portion thereof in multiples of one (1) year;

(d) The payment of funds shall be made in one (1) lump sum; and

(e) Any person who, prior to the effectiveness of this provision, has been removed from membership in the Arkansas Public Employees' Retirement System because of eligibility for membership in a local firemen's pension fund as a volunteer firefighter may restore the refunded service and establish subsequent service by paying or causing to be paid to the Arkansas Public Employees' Retirement System the refunded contributions and the legally required contributions for subsequent service.

(B) Excepting members of the General Assembly and those persons participating in a local firemen's relief and pension fund because of their status as volunteer firefighters, those persons who otherwise meet the definition of employees in positions covered by the Arkansas Public Employees' Retirement System while also serving as volunteer firefighters or volunteer police officers in a separate position covered by the Arkansas Local Police and Fire Retirement System, and those persons who have dual full-time employment in separate positions covered by the Arkansas Public Employees' Retirement System and the Arkansas Local Police and Fire Retirement System respectively, the term "employees" shall not include persons who are members of any other retirement system, excepting Social Security, which retirement system is supported by state funds or is authorized by the laws of the state. In addition, the term "employees" specifically shall not include the following:

(i) Persons in the employ of the Division of Arkansas State Police who are members of the State Police Retirement System;

(ii) Persons in the employ of the Department of Education or the Arkansas Teacher Retirement System, except as otherwise provided by law;

(iii) Persons in the employ of the University of Arkansas or any other state-supported institution of higher learning, except as otherwise provided by law;

(iv) Justices of the Supreme Court, judges of circuit courts, or judges of chancery courts;

(v) Persons in the employ of the General Assembly who are employed on a less than full-time regular annual salary basis, except that any person who has served or who shall serve during at least six (6) legislative sessions as Chief Clerk of the House of Representatives and who has served in the employ of the General Assembly during at least twelve (12) previous legislative sessions shall be eligible to receive credited service in the Arkansas Public Employees' Retirement System for any period of employment with the General Assembly since July 1, 1957, but only if the employee is, or was, an active member of the Arkansas Public Employees' Retirement System with at least ten (10) years of credited service and only if the employee pays or causes to be paid all employee contributions at the rate and on the compensation that would have been paid had he or she been a member of the Arkansas Public Employees' Retirement System during those periods of time, all employer contributions based on the employer normal cost from the most recently completed regular annual actuarial valuation and the compensation that would have been paid had he or she been a member during those periods of time, and regular interest on the employee and employer contributions computed from the date of service to the date the payment is received by the Arkansas Public Employees' Retirement System;

(vi) Persons who are in the employ of the Arkansas Department of Transportation;

(vii) Persons employed with the intent of working less than ninety (90) calendar days;

(viii) Persons who are employed for a period of more than ninety (90) consecutive calendar days but who do not qualify as full-time employees shall be excluded from membership. A person shall be considered a full-time employee if that person works at least eighty (80) hours per month during a period of ninety (90) consecutive calendar days;

(ix)

(a)

(1) Persons whose rate of pay does not constitute employment that is substantially gainful shall be excluded from membership.

(2) A rate of pay less than the federal minimum wage for the year shall not be considered employment that is substantially gainful.

(b) A tipped food service employee of the Department of Parks, Heritage, and Tourism who is guaranteed the prevailing minimum wage by the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., as it existed on January 1, 2009, is in employment that is substantially gainful.

(c) The employee and employer contributions for a tipped food service employee of the Department of Parks, Heritage, and Tourism is computed based on the tipped food service employee's hourly rate of pay;

(x) Persons who are first employed or those who are reemployed as participants on or after July 1, 1979, under the Comprehensive Employment and Training Act [repealed]. However, those persons participating in the program prior to July 1, 1979, shall continue to be members of the Arkansas Public Employees' Retirement System while employed by a participating public employer;

(xi) Any person previously denied coverage by the Arkansas Public Employees' Retirement System because that person was eligible for membership in but did not participate in another retirement system that is supported by state funds or that is authorized by the laws of the state, shall become a member of the Arkansas Public Employees' Retirement System from the date of July 1, 1999, if in an otherwise eligible position due to employment with a participating employer. Any person previously denied coverage by the Arkansas Public Employees' Retirement System because that person was eligible for or receiving benefits from another retirement system supported by state funds or that is authorized by the laws of the state shall become a member of the Arkansas Public Employees' Retirement System from the date of July 1, 1999, if in an otherwise eligible position due to employment with a participating employer. That person may receive, at the employee's option, credit for service rendered to a participating public employer before that date, subject to the following conditions:

(a) The member is a participating employee covered under the Arkansas Public Employees' Retirement System at the time of the purchase;

(b) The member furnishes proof in a form required by the Arkansas Public Employees' Retirement System of the service and compensation received;

(c) The member pays or causes to be paid all employee contributions at the rate and on the compensation that would have been paid had he or she been a member during that time, all employer contributions based on the employer normal cost from the most recently completed regular annual actuarial valuation and the compensation that would have been paid had he or she been a member during that time, and regular interest on the employee and employer contributions. The interest shall be computed from the date the service was rendered to the date the payment is received by the Arkansas Public Employees' Retirement System. The member may purchase all of the service or any portion thereof in multiples of one (1) year; and

(d) The payment of funds shall be made in one (1) lump sum;

(xii) The surviving spouse of any person deemed erroneously enrolled due to receipt of a benefit from another retirement system supported by state funds or that is authorized by the laws of the state but whose service had not been refunded at or before the date of death shall be eligible to receive a benefit under the provisions of § 24-4-608, provided that the person was an employee of the participating employer on the date of death. The monthly annuity shall be payable on the first day of the month following the month of application and shall be retroactive to the date the benefit would have been otherwise payable as provided for in § 24-4-608; and

(xiii) Any person previously denied coverage by the Arkansas Public Employees' Retirement System because that person was employed in dual full-time positions covered by the Arkansas Public Employees' Retirement System and the Arkansas Local Police and Fire Retirement System, respectively, shall become a member of both systems from and after the date of July 1, 2001, if in otherwise eligible positions with participating employers. The person may receive at the employee's option credit for service rendered to a participating public employer before that date, subject to the following conditions:

- (a) The member is a participating employee covered under the Arkansas Public Employees' Retirement System at the time of the purchase;
- (b) The member furnishes proof in a form required by the Arkansas Public Employees' Retirement System of the service and compensation received;
- (c) The member pays or causes to be paid all employee contributions at the rate and on the compensation that would have been paid had the person been a member during that time, all employer contributions based on the employer normal cost from the most recently completed regular annual actuarial valuation and the compensation that would have been paid had the person been a member during that time, and regular interest on the employee and employer contributions. The interest shall be computed from the date the service was rendered to the date the payment is received by the Arkansas Public Employees' Retirement System. The member may purchase all of the service or any portion thereof in multiples of one (1) year; and
- (d) The payment of funds shall be made in one (1) lump sum.
- (C) In any case of doubt as to who is an employee within the meaning of this act, the Board of Trustees of the Arkansas Public Employees' Retirement System shall have the final power to decide the question;
- (19) "Final average compensation" means the average of the member's highest annual compensations on which credited service with a public employer is calculated under § 24-4-623;
- (20) "General Assembly" means the General Assembly of the state;
- (21) "Intergovernmental Juvenile Detention Council" means the Intergovernmental Juvenile Detention Council of the Tenth Judicial District created by uncodified Acts 1995, No. 899, which has chosen by a majority vote of the council to participate in the Arkansas Public Employees' Retirement System;
- (22) "Joint county and municipal sanitation authority" means any sanitation authority created under the Joint County and Municipal Solid Waste Disposal Act, § 14-233-101 et seq., which has chosen by a majority vote of its full-time employees to participate in the Arkansas Public Employees' Retirement System;
- (23) "Local units of government" means those entities participating in the Arkansas Public Employees' Retirement System under the provisions of § 24-4-746;
- (24) "Member" means any person who is included in the membership of the Arkansas Public Employees' Retirement System;
- (25)
- (A) "Municipal employees" means all employees whose compensations are payable, either directly or indirectly, by participating municipal public employers and includes employees of the Arkansas Municipal League, employees of the water and sewer system of any city divided by a state line, and employees of the Arkansas Local Police and Fire Retirement System.
- (B) "Municipal employees" shall not include members of a municipal firemen's or policemen's pension fund while the member is accruing credited service in that system, excepting those members of a municipal firemen's pension fund who are members solely because of their status as volunteer firefighters.
- (C) In any case of doubt as to who is a municipal employee within the meaning of this act, the Board of Trustees of the Arkansas Public Employees' Retirement System shall have the final power to decide the question;
- (26) "Municipality" means any incorporated city or town in the state and includes all agencies, offices, departments, and commissions of the city or town;
- (27) "Noncontributory member" means a person who does not contribute a portion of his or her compensation to the Arkansas Public Employees' Retirement System;
- (28) "Nonstate employees" means county employees, municipal employees, rural waterworks facilities board employees, regional airport authority employees, border municipal airport employees, public facilities board employees, regional solid waste management board employees, joint county and municipal sanitation authority employees, regional water distribution board employees, the employees of economic development districts recognized as planning and development districts under § 14-166-202, school employees, public water authority employees, and the employees of the Intergovernmental Juvenile Detention Council;
- (29) "Normal retirement age" means, for a member, the youngest of the following ages:
- (A) Sixty (60) years of age and with twenty (20) or more years of actual service commencing before January 1, 1978, for a contributory member; or
- (B) Sixty-five (65) years of age with five (5) or more years of actual service, except for a member of the General Assembly who must have ten (10) or more years of actual service if he or she only has service as a member of the General Assembly;

- (C) If the provisions of § 24-4-521 are used to determine any portion of total credited service, then the age upon completion of thirty-five (35) years of credited service, but in no event to an age younger than fifty-five (55) years of age;
- (D) For a noncontributory member with credited service for employment as a public safety employee or as a sheriff, sixty-five (65) years of age reduced by one (1) month for each two (2) months of such credited service, but in no event to an age younger than fifty-five (55) years of age, except in the case of a sheriff who has a minimum of ten (10) years of actual service as a sheriff or who has eight (8) years of actual service as a sheriff and a minimum of two (2) years of service in another state-supported retirement system, for whom the minimum retirement age shall be fifty-two (52) years of age;
- (E) The age upon completion of twenty-eight (28) years of credited service, if the provisions of § 24-4-521 are not used to determine any portion of the credited service;
- (F) For a member of the General Assembly with twelve (12) years of actual service, ten (10) of which must be as a member of the General Assembly, at fifty-five (55) years of age. A member of the General Assembly who was either serving in the General Assembly on July 1, 1979, or held an elected office on July 1, 1979, shall be eligible to retire with seventeen and one-half (17½) years of actual service regardless of age;
- (G) An elected state constitutional officer shall be eligible to retire with twenty-eight (28) years of credited service at fifty-five (55) years of age; and
- (H) Notwithstanding subdivision (29)(C) of this section, in the case of a deputy sheriff who has a minimum of twenty-five (25) years of actual service as a deputy sheriff, the minimum retirement age shall be fifty-two (52) years of age;
- (30) "Participating public employer" means:
- (A) Any county, municipality, rural waterworks facilities board, regional airport authority, border municipal airport authority, public facilities board, regional solid waste management board, joint county and municipal sanitation authority, suburban improvement district under § 14-92-502, public water authority, or regional water distribution board in the state whose employees are included in the membership of the Arkansas Public Employees' Retirement System;
- (B) The employees of the Intergovernmental Juvenile Detention Council of the Tenth Judicial District who are included in the membership of the Arkansas Public Employees' Retirement System; or
- (C) A public rehabilitative services corporation or local unit of government as provided for in § 24-4-746;
- (31)
- (A) "Prior service", in the case of a state or municipal employee, means personal service rendered by the employee to a public employer prior to July 1, 1957.
- (B) The term "prior service", in the case of a county employee, means personal service rendered by the employee to a public employer prior to July 1, 1959;
- (32) "Public employer" means the State of Arkansas or any participating public employer;
- (33) "Public facilities board" means any public facilities board created under the Public Facilities Boards Act, § 14-137-101 et seq., which has chosen by a majority vote of the full-time employees to participate in the Arkansas Public Employees' Retirement System;
- (34) "Public Rehabilitation Services Corporations" means those entities participating in the Arkansas Public Employees' Retirement System under the provisions of § 24-4-746;
- (35)
- (A) "Public safety member" means, except public safety members covered under § 24-4-1004, a member whose covered employment under the Arkansas Public Employees' Retirement System:
- (i) Is for personal services as a police officer or firefighter; and
- (ii) Began before July 1, 1997.
- (B)
- (i)
- (a) "Police officer" means a permanent employee whose primary duty is law enforcement of a municipal police department, a county sheriff's office, or the Division of Arkansas State Police, including a probationary police officer.
- (b) "Police officer" includes a wildlife officer of the Arkansas State Game and Fish Commission, a drug enforcement officer of a judicial drug taskforce, a civilian firefighter of the Department of the Military covered under § 24-4-1004, and all officers and the Chief of the State Capitol Police within the office of the Secretary of State.

(c) "Police officer" does not include a person who has not satisfied the training requirements to be a police officer established by the Arkansas Commission on Law Enforcement Standards and Training under § 12-9-106.

(ii) A police officer who, although assigned to administrative duties, is still subject to call for service at patrol duty or duty in the field or is subject to call for duties in emergency situations requiring the officer to be armed with a firearm shall be considered to have the primary duty of law enforcement for the purpose of this subdivision (35)(B).

(iii) The term "police officer" shall not include any civilian employee of a police department or any person temporarily employed as a police officer during an emergency.

(C)

(i) "Firefighter" means any regular employee of a fire department whose primary duty is fire fighting, including probationary firefighters.

(ii) "Firefighter" shall not include any civilian employee of a fire department or any person temporarily employed as a firefighter during an emergency.

(D)

(i) "Public safety member" shall not include a member whose covered employment under the Arkansas Public Employees' Retirement System as a police officer or firefighter commenced on or after July 1, 1997, except as provided for public safety members covered under § 24-4-1004.

(ii)

(a) If a public safety member leaves his or her employment as a police officer or firefighter for employment as a police officer or firefighter in a position covered by the Arkansas Public Employees' Retirement System, Arkansas State Highway Employees' Retirement System, State Police Retirement System, or Arkansas Local Police and Fire Retirement System and returns to his or her previous employment as a police officer or firefighter, the public safety member shall resume receiving credited service at one and one-half (1½) times the regular rate for crediting service.

(b) A person eligible to resume receiving public safety credit prior to July 31, 2007, shall receive credited service for his or her return to employment as a police officer or firefighter at one and one-half (1½) times the regular rate for crediting service.

(E) A public safety member who receives or has received credited service at one and one-half (1½) times the regular rate for crediting service may change employers and continue to receive credited service at one and one-half (1½) times the regular rate for crediting service, provided:

(i) The person is employed as a public safety officer within six (6) months of termination from employment as a public safety member; and

(ii) The employer provides public safety officers credited service at one and one-half (1½) times the regular rate for crediting service;

(36) "Public water authority" means a public water authority created under the Water Authority Act, § 4-35-101 et seq., that has elected by a majority vote of its board of directors to participate in the Arkansas Public Employees' Retirement System;

(37) "Regional airport authority" means any regional airport authority created under the Regional Airport Act, § 14-362-101 et seq., which was formed after January 1, 1990, and which has chosen to participate in the Arkansas Public Employees' Retirement System;

(38) "Regional solid waste management board" means any regional solid waste management board defined under § 8-6-701 et seq. which has chosen by a majority vote of the full-time employees to participate in the Arkansas Public Employees' Retirement System;

(39) "Regional water distribution board" means any regional water distribution board created under The Regional Water Distribution District Act, § 14-116-101 et seq., which has chosen by a majority vote of the full-time employees to participate in the Arkansas Public Employees' Retirement System;

(40)

(A) "Regular interest" means such rates of interest per annum, compounded annually, as the Board of Trustees of the Arkansas Public Employees' Retirement System shall prescribe from time to time.

(B) However, for circumstances entered into July 1, 1985, or later, when payments are payable to the Arkansas Public Employees' Retirement System by a member together with regular interest thereon, the rate of interest shall be the same for all circumstances and shall be six percent (6%) per annum unless changed by the Board of Trustees of the Arkansas Public Employees' Retirement System;

(41) "Retirant" means a person who:

(A) Is a vested member of the Arkansas Public Employees' Retirement System;

(B) Has filed an effective retirement application with the Arkansas Public Employees' Retirement System that has not been cancelled; and

(C) Is entitled to a plan annuity upon properly terminating employment under § 24-4-520;

- (42) "Retirement" means a member's withdrawal from the service of a public employer, with an annuity payable from funds of the Arkansas Public Employees' Retirement System;
- (43) "Rural waterworks facilities board" means a rural waterworks facilities board created under the Rural Waterworks Facilities Boards Act, § 14-238-101 et seq.;
- (44) "Social Security" means the Social Security old age, survivors', and disability insurance program;
- (45) "State" means the State of Arkansas and includes all agencies, offices, departments, boards, commissions, and state-supported institutions that are duly constituted agencies of the state;
- (46)
- (A) "State employees" means all otherwise eligible employees whose compensations were, or are, payable from funds appropriated by the state and includes all employees whose compensations were, or are, payable in whole or in part from federal funds.
- (B) In any case of doubt as to who is a state employee within the meaning of this act, the Board of Trustees of the Arkansas Public Employees' Retirement System shall have the final power to decide the question; and
- (47) "System" means the Arkansas Public Employees' Retirement System.

History

Acts 1957, No. 177, § 1; 1959, No. 42, § 1; 1961, No. 64, § 1; 1965, No. 47, § 1; 1967, No. 289, § 1; 1975, No. 907, § 7; 1975 (Extended Sess., 1976), No. 1159, §§ 1, 2; 1979, No. 715, § 8; 1981, No. 859, § 1; 1983, No. 42, §§ 1, 2; 1983, No. 575, § 1; 1985, No. 910, § 1; 1985, No. 938, § 7; A.S.A. 1947, § 12-2501; Acts 1987, No. 461, § 1; 1987, No. 493, § 1; reen. 1987, No. 988, §§ 1, 2; 1989, No. 160, § 3; 1991, No. 331, § 1; 1991, No. 757, § 2; 1993, No. 286, §§ 1-3; 1993, No. 432, §§ 6, 7; 1993, No. 975, § 3; 1995, No. 398, §§ 1-3; 1995, No. 846, § 1; 1995, No. 1292, §§ 1-3; 1997, No. 76, §§ 2-4; 1997, No. 299, § 7; 1997, No. 639, § 1; 1997, No. 1137, § 2; 1999, No. 325, § 6; 1999, No. 865, § 1; 2001, No. 151, § 10; 2001, No. 764, § 1; 2001, No. 1616, § 1; 2005, No. 2084, §§ 2, 3; 2007, No. 176, § 3; 2007, No. 295, § 1; 2007, No. 299, § 1; 2007, No. 799, § 3; 2007, No. 850, § 1; 2009, No. 616, § 2; 2009, No. 774, § 1; 2009, No. 1277, § 1; 2011, No. 20, § 3; 2011, No. 38, § 2; 2011, No. 140, § 1; 2011, No. 978, § 2; 2013, No. 332, §§ 1-5; 2017, No. 707, § 268; 2019, No. 449, §§ 2-4; 2019, No. 910, §§ 2365, 2366; 2021, No. 370, § 1; 2021, No. 519, §§ 1-3; 2021, No. 687, § 1; 2023, No. 248, §§ 1-5.

A.C.A. § 27-65-143

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 27 Transportation](#)
- [Subtitle 5. Highways, Roads, and Streets](#)
- [Chapter 65 Arkansas Department of Transportation — State Highway Commission](#)

27-65-143. Award of pistol, shotgun, or both upon retirement or death.

When a highway police patrol officer of the Arkansas Highway Police Division of the Arkansas Department of Transportation retires from service or dies while still employed with the Arkansas Department of Transportation, in recognition of and appreciation for the service of the retiring or deceased officer, the State Highway Commission may award the pistol or the shotgun, or both, carried or used by the officer while on duty at the time of his or her death or retirement from service to:

- (1) The officer upon retirement; or
- (2) The officer's spouse if the officer is deceased and the spouse is eligible under applicable state and federal laws to possess a firearm.

History

Acts 2005, No. 2244, § 1; 2013, No. 307, § 1; 2015, No. 1158, § 13; 2017, No. 707, § 377.

A.C.A. § 17-40-102

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 17 Professions, Occupations, and Businesses](#)
- [Subtitle 2. Nonmedical Professions](#)
- [Chapter 40 Private Investigators and Private Security Agencies](#)
- [Subchapter 1 — General Provisions](#)

17-40-102. Definitions.

As used in this chapter:

- (1) "Alarm systems agent" means an individual employed by an alarm systems company who sells on site, performs a survey of the premises to be protected, or responds to alarm signal devices, burglar alarms, or cameras;
- (2) "Alarm systems apprentice" means an individual employed by an alarm systems company who installs, services, or repairs on site and who is supervised by an alarm systems technician, a supervisor of technicians, or a manager;
- (3) "Alarm systems company" means a person, firm, association, or corporation that for a fee or other valuable consideration installs, services, sells on site, performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras, or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (4) "Alarm systems monitor" means an individual employed by an alarm systems company who monitors or responds to an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (5) "Alarm systems technician" means an individual employed by an alarm systems company who installs, services, or repairs on site an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (6) "Arkansas Fire Prevention Code" means the International Fire Code, the International Building Code, and the International Residential Code for One- and Two-Family Dwellings as published by the International Code Council, and the rules as amended and adopted by the State Fire Marshal;
- (7) "Armored car company" means a person that provides armed security transportation and protection of money, currency, coins, bullion, securities, bonds, jewelry, or other valuables from one place or point to another place or point;
- (8)
 - (A) "Assistant training administrator" means a person employed by a licensed company who may assist the training administrator with conducting the training of security personnel.
 - (B) The assistant training administrator shall certify to the Director of the Division of Arkansas State Police that the required training has been completed;
- (9) "Burglar alarm" means a system designed to detect intrusion or unauthorized entry into a building, premises, or area;
- (10) "Commissioned school security officer" means a private security officer who:
 - (A) Provides security for the school; and
 - (B) Has received an authorization issued by the director to carry a firearm in the course of his or her employment;
- (11) "Commissioned security officer" means a private security officer to whom an authorization to carry a firearm in the course of his or her employment has been issued by the director;

- (12) "Consumer reporting agency" means a person that employs an individual who, for a monetary fee, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports;
- (13) "Convicted" means that a person pleaded guilty or nolo contendere to or was found guilty of a criminal offense, including a conviction that has been sealed or expunged;
- (14) "Credential" means an authorization granted by the Division of Arkansas State Police to an individual to perform the duties of a private investigator, alarm systems monitor, alarm systems apprentice, alarm systems technician, alarms systems agent, private security officer, commissioned security officer, commissioned school security officer, assistant training administrator, training administrator, training instructor, manager, or branch office manager;
- (15) "ESA" means the Electronic Security Association;
- (16)
- (A) "Firearm" means a device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.
- (B) "Firearm" includes:
- (i) A device described in subdivision (16)(A) of this section that is not loaded or lacks a clip or another component to render it immediately operable; and
- (ii) Components that can readily be assembled into a device described in subdivision (16)(A) of this section;
- (17) "Guard company" means a person engaging in the business of providing or undertaking to provide services on a contractual basis for another person and performing one (1) or more of the following or similar functions:
- (A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;
- (B) Prevention, observation, or detection of any unauthorized activity on private property;
- (C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property; or
- (D) Protection of individuals from bodily harm;
- (18)
- (A) "Investigations company" means a person or entity that engages in the business or accepts employment to obtain or furnish information with reference to:
- (i) Crime or wrongs done or threatened against the United States or any state or territory of the United States;
- (ii) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;
- (iii) The location, disposition, or recovery of lost or stolen property;
- (iv) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or
- (v) The securing of evidence to be used before any court, board, officer, or investigating committee.
- (B)
- (i) A Class A investigations company may employ one (1) or more credentialed individuals.
- (ii) A Class D investigations company may not employ more than one (1) credentialed individual;
- (19) "License" means a permit granted by the director entitling a person to operate as a security services contractor, an investigations company, or an alarm systems company;
- (20) "Licensee" means a person to whom a license is granted under this chapter;
- (21) "Manager" means, in the case of a corporation, an officer or supervisor or, in the case of a partnership, a general or unlimited partner meeting the experience qualifications for managing a security services contractor, private business, or an investigations company;
- (22) "Monitoring" means to observe, watch, surveil, and make appropriate response to an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (23) "NBFAA" means the National Burglar and Fire Alarm Association;
- (24) "NFPA" means the National Fire Protection Association;
- (25) "NICET" means the National Institute for Certification in Engineering Technologies;

- (26) "Person" means an individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity;
- (27) "Private investigator" means a person who engages in the business or accepts employment to obtain or furnish information with reference to:
- (A) A crime or wrong done or threatened against the United States or any state or territory of the United States;
 - (B) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;
 - (C) The location, disposition, or recovery of lost or stolen property;
 - (D) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or
 - (E) The securing of evidence to be used before a court, board, officer, or investigating committee;
- (28) "Private school" means the property, grounds, or students of a private school for grades prekindergarten through twelve (preK-12), including a daycare program operated by the school;
- (29) "Private security officer" means an individual employed by a security services contractor or the security department of a private business or armored car company to perform at least one (1) of the following duties:
- (A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;
 - (B) Prevention, observation, or detection of any unauthorized activity on private property;
 - (C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property;
 - (D) Protection of individuals from bodily harm; or
 - (E) Providing of armed security transportation and protection of money, currency, coins, bullion, securities, bonds, jewelry, or other valuable items from one place to another place;
- (30) "Public charter school" means a conversion public charter school, an open-enrollment public charter school, or a limited public charter school;
- (31) "School" means a school district, public charter school, or private school, including any daycare program operated by the school;
- (32) "School district" means the property, grounds, or students of a school for grades prekindergarten through twelve (preK-12), including any daycare program operated by the school;
- (33) "Security department of a private business or school" means the security department of a person or school if the general purpose of the security department is the protection and security of its own property, grounds, or students and if it does not offer or provide security services to any other person or school;
- (34) "Security services contractor" means a guard company or armored car company;
- (35) "Single-station alarm systems company" means a person that for a fee or other valuable consideration installs, services, or sells on site fire, smoke, or heat detectors to be installed in a one-family or two-family dwelling or that performs a survey of the premises to be protected if the detectors are single-station installations and not a part of or connected to any other detection device or system;
- (36) "Supervisor of technicians" means an individual employed by an alarm systems company who supervises alarm systems technicians or alarm systems apprentices and who may install, service, or repair on site, or who performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras, or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (37)
- (A) "Training administrator" means a person employed by a licensed company designated by a Class B, Class C, or Class G company designation or by the security department of a private business to conduct training for the security personnel.
 - (B) The training administrator shall certify to the director that the required training has been completed;
- (38)
- (A) "Training instructor" means a person employed by a licensed company who may assist the training administrator with conducting the training of security personnel.
 - (B) However, a training instructor shall not certify that the required training has been completed; and

(39) "Undercover agent" means an individual hired by another individual, partnership, corporation, or other business entity to perform a job for that individual, partnership, corporation, or other business entity and, while performing the job, to act as an undercover agent, employee, or independent contractor of a licensee, and supervised by a licensee.

History

Acts 1977, No. 429, § 2; 1979, No. 907, §§ 1-3; 1983, No. 899, §§ 1, 2; 1985, No. 1004, §§ 13-15; A.S.A. 1947, § 71-2123; Acts 1989, No. 651, § 1; 1989, No. 926, § 1; 1999, No. 1493, § 1; 2001, No. 1474, § 1; 2015, No. 393, § 40; 2019, No. 910, §§ 5959, 5960.

A.C.A. § 17-40-208

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 17 Professions, Occupations, and Businesses](#)
- [Subtitle 2. Nonmedical Professions](#)
- [Chapter 40 Private Investigators and Private Security Agencies](#)
- [Subchapter 2 — Administration by the Division of Arkansas State Police](#)

17-40-208. Training of personnel.

(a) The Director of the Division of Arkansas State Police shall establish minimum training requirements under this chapter for a private security officer, a commissioned security officer, and a commissioned school security officer.

(b) For a private security officer, the minimum training requirements under this chapter include without limitation the following topics:

(1) Legal limitations on the use of firearms and on the powers and authority of the private security officer;

(2) Familiarity with this chapter;

(3) Field note taking and report writing; and

(4) Other topics that the director deems necessary.

(c) For a commissioned security officer, the minimum training requirements under this chapter include without limitation the following topics:

(1) Legal limitations on the use of firearms and on the powers and authority of the commissioned security officer;

(2) Familiarity with this chapter;

(3) Field note taking and report writing;

(4) Range firing and procedure and handgun safety and maintenance; and

(5) Other topics the director deems necessary.

(d) For a commissioned school security officer, the minimum training requirements under this chapter include without limitation the following topics:

(1) Legal limitations on the use of firearms and on the powers and authority of the commissioned school security officer;

(2) Familiarity with this chapter;

(3) Field note taking and report writing;

(4) Fundamental use of firearms, including firearm safety drills, tactics, and required qualification on an approved course of fire;

(5) Active shooter training;

(6) Active shooter simulation scenarios;

(7) Trauma care;

(8) Defensive tactics;

(9) Weapon retention;

(10) Handgun safety and maintenance; and

(11) Other topics the director deems necessary.

(e) When an individual meets the training requirements approved by the director, that individual shall not be required to be retrained until two (2) years after the private security officer, commissioned security officer, or commissioned school security officer is commissioned.

History

Acts 1977, No. 429, § 36; 1979, No. 907, § 20; 1981, No. 792, § 18; 1983, No. 899, § 10; A.S.A. 1947, § 71-2157; Acts 2005, No. 2237, § 7; 2015, No. 393, § 54; 2019, No. 910, § 5966.

A.C.A. § 17-40-301

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 17 Professions, Occupations, and Businesses](#)
- [Subtitle 2. Nonmedical Professions](#)
- [Chapter 40 Private Investigators and Private Security Agencies](#)
- [Subchapter 3 — License, Credential, and Commission](#)

17-40-301. Unlawful acts.

(a) Except as provided under § 17-40-325, it is unlawful for a person to knowingly:

- (1) Perform any service as a private investigator unless the person has obtained a credential to perform the services of a private investigator under this chapter;
- (2) Perform any service as or engage in the business or business activity of a security services contractor or alarm systems company unless the person has obtained a license as a securities services contractor or alarm systems company under this chapter;
- (3) Engage in an operation outside the scope of the person's license or credential; or
- (4) Perform any service that requires a license, credential, or commission under this subchapter without having first been issued that license, credential, or commission.

(b) A credential holder or a licensee or an officer, director, partner, manager, or employee of a licensee shall not knowingly make a false report to his or her employer or client for whom information was being obtained.

(c)

(1) A credential holder, licensee, manager, or agent authorized by one (1) or both the licensee or manager shall have the sole responsibility of knowingly submitting a written investigative report to a client.

(2) The person submitting the written investigative report shall exercise due diligence in ascertaining the truth and accuracy of the information in the report.

(d) A credential holder, or a licensee or officer, director, partner, manager, or employee of a licensee, except a full-time police officer, shall not knowingly use a title, wear a uniform, use an insignia, use an identification, or make any statement with the intent to give the impression that the person is connected in any way with the United States Government, a state government, county government, city government, or any political subdivision of a state government.

(e) It is unlawful for a person to misrepresent that he or she is employed by a credential holder or a licensee.

(f)

(1) It is unlawful for a state, county, or municipal government or political subdivision of a state, county, or municipal government to install, service, maintain, monitor, operate, sell, or lease as lessor a burglar alarm, fire alarm system, or other electronic security system on private property if a private contractor licensed to do business within the county or municipality offers such systems or services to the public within the county or municipality.

(2) This section does not prohibit a county or municipal government from installing, servicing, maintaining, or operating a burglar alarm or fire alarm system on property owned or leased by a county or municipal government.

(3) This subsection does not apply to an entity authorized to provide, directly or indirectly, voice, data, broadband, video, or wireless telecommunications services under § 23-17-409(b)(2).

(g) A person shall not program an automatic dialing device to call a law enforcement agency, fire department, emergency health service, or a state, city, or county agency without the prior approval of the Director of the Division of Arkansas State Police.

(h) A credential holder or a licensee shall not contract or subcontract with an unlicensed person or uncredentialed individual to perform a service that requires a credential or a license under this chapter.

(i) A person licensed only as a security services contractor shall not engage in an investigation unless the investigation is incidental to the theft, loss, embezzlement, misappropriation, or concealment of property that the person has been hired or engaged to protect.

(j) A person shall not employ an individual as a private security officer and knowingly authorize or permit him or her to carry a firearm during the course of performing his or her duties as a private security officer if the Director of the Division of Arkansas State Police has not issued the private security officer a security officer commission.

(k) An individual employed as a private security officer shall not knowingly carry a firearm during the course of performing his or her duties as a private security officer if the Director of the Division of Arkansas State Police has not issued him or her a security officer commission.

(l) A person shall not knowingly hire or employ an individual as a private security officer and an individual shall not accept employment as a private security officer if the employment requires the private security officer to carry a firearm in the course and scope of his or her duties, unless the private security officer is a commissioned security officer.

History

Acts 1977, No. 429, §§ 13, 25; 1979, No. 907, § 15; 1981, No. 792, § 12; 1983, No. 899, § 7; A.S.A. 1947, §§ 71-2134, 71-2146; Acts 1989, No. 926, § 4; 1991, No. 786, § 23; 1999, No. 1493, § 5; 2015, No. 393, § 57; 2016 (3rd Ex. Sess.), No. 10, § 1; 2016 (3rd Ex. Sess.), No. 11, § 1; 2019, No. 910, § 5969.

A.C.A. § 17-40-330

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 17 Professions, Occupations, and Businesses](#)
- [Subtitle 2. Nonmedical Professions](#)
- [Chapter 40 Private Investigators and Private Security Agencies](#)
- [Subchapter 3 — License, Credential, and Commission](#)

17-40-330. Authority to issue commission to carry a firearm.

The Director of the Division of Arkansas State Police may determine the qualifications for and issue an authorization to carry a firearm in the form of a commission to a qualified security officer or qualified school security officer that shall be held during the course of his or her employment.

History

Acts 2015, No. 393, § 78; 2019, No. 910, § 5988.

A.C.A. § 17-40-337

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 17 Professions, Occupations, and Businesses](#)
- [Subtitle 2. Nonmedical Professions](#)
- [Chapter 40 Private Investigators and Private Security Agencies](#)
- [Subchapter 3 — License, Credential, and Commission](#)

17-40-337. Commission — Applicant qualifications.

(a) A commission as a commissioned security officer or a commissioned school security officer shall not be issued under this chapter to an individual who:

- (1) Is under twenty-one (21) years of age;
 - (2) Has been found guilty of or who has pleaded guilty or nolo contendere to any of the following offenses, whether or not those offenses have been sealed or expunged:
 - (A) An offense listed under § 17-40-306(d);
 - (B) A crime involving the use of a firearm; or
 - (C) A crime involving the use of alcohol while in possession of a firearm;
 - (3) Has committed an act that would be grounds for suspension or revocation under this chapter;
 - (4) Does not meet the qualifications for a commission as determined by the Director of the Division of Arkansas State Police;
 - (5) May not lawfully possess a firearm;
 - (6)
 - (A) Has not successfully completed a state and national criminal background check to be conducted by the Division of Arkansas State Police and the Federal Bureau of Investigation.
 - (B) Criminal history records from the Arkansas Crime Information Center shall be available to the director for review of the applicant's qualifications.
 - (C) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.
 - (D) The individual applicant shall sign a release of information to the director and shall make payment of any fee associated with the state and national criminal background check;
 - (7) Has been adjudicated as mentally incompetent or has been involuntarily committed to a mental institution or mental health treatment facility;
 - (8) Is a registered sex offender or required to be registered as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;
 - (9) Is suffering from habitual drunkenness or from narcotics addiction or dependence;
 - (10) Has been discharged from the United States Armed Forces under dishonorable conditions; or
 - (11) Is not in compliance with any other reasonable qualification that the director may set by rule.
- (b) The director shall not issue a commission as a commissioned security officer or as a commissioned school security officer to an applicant employed by a licensee or the security department of a private business or school unless the applicant submits evidence satisfactory to the director that he or she meets all qualifications established by this chapter and by the rules of the director.

History

Acts 1977, No. 429, §§ 19, 36; A.S.A. 1947, §§ 71-2140, 71-2157; Acts 2005, No. 2237, § 4; 2015, No. 393, § 81; 2016 (3rd Ex. Sess.), No. 10, § 5; 2016 (3rd Ex. Sess.), No. 11, § 5; 2019, No. 910, §§ 5989, 5990.

A.C.A. § 17-40-344

Copy Citation

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

- [AR - Arkansas Code Annotated](#)
- [Title 17 Professions, Occupations, and Businesses](#)
- [Subtitle 2. Nonmedical Professions](#)
- [Chapter 40 Private Investigators and Private Security Agencies](#)
- [Subchapter 3 — License, Credential, and Commission](#)

17-40-344. Commission — Denial, suspension, or revocation.

The Director of the Division of Arkansas State Police may deny, suspend, or revoke a commission as a commissioned school security officer or a commission as a commissioned security officer if the applicant for a commission or the commission holder is indicted or arrested for one (1) of the following offenses or a comparable offense in another state:

- (1) A felony;
- (2) A Class A misdemeanor;
- (3) A crime involving an act of violence;
- (4) A crime involving the use of a firearm;
- (5) A crime involving the use of alcohol or drugs while in possession of a firearm;
- (6) A crime that results in the person's disqualifying himself or herself from legally possessing a firearm under state or federal law; or
- (7) A crime involving moral turpitude.

History

Acts 1977, No. 429, § 19; 1979, No. 907, § 14; A.S.A. 1947, § 71-2140; Acts 1999, No. 1493, § 17; 2005, No. 2237, § 5; 2015, No. 393, § 87; 2019, No. 910, § 5994.