

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1488

By: Representatives Landers, Foster and Hawkins

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE, TITLE 12, TO ADD CHAPTER 14, SUBCHAPTER 1, TO ESTABLISH THE STATE CAPITOL POLICE, TO ESTABLISH THEIR JURISDICTION, TO AUTHORIZE THE ISSUANCE OF CITATIONS, TO PROVIDE FOR PROSECUTION OF VIOLATIONS; TO AMEND ARKANSAS CODE 22-3-403 AND 22-3-404 REGARDING TRAFFIC CONTROL AROUND THE STATE CAPITOL BUILDING; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code of 1987, Title 12, Chapter 14, Subchapter 1, shall read as follows:

"SUBCHAPTER 1. STATE CAPITOL POLICE.

12-14-101. The Secretary of State of Arkansas shall have the power to establish the State Capitol Police, to organize the same, prescribe its duties and define its powers in such a manner as will most effectually secure the citizens and their property in and around the State Capitol. The Secretary of State is hereby authorized to designate and appoint one or more of its employees as State Capitol Police, who shall be and are hereby constituted peace officers under the laws of the state and shall have and possess all the powers provided by the law for state police, city police and county sheriffs to be exercised as required for the protection of the State Capitol grounds, together with such other duties as may be assigned by the Secretary of State. None of the present jurisdiction or powers of the state police, county police or city police shall be ceded to the State Capitol Police over the land or property which constitutes the State Capitol grounds.

12-14-102. State Capitol Police appointed pursuant to the authority

herein contained shall, except to the extent otherwise limited by the Secretary of State, protect property, preserve and maintain proper order and decorum, prevent unlawful assemblies and disorderly conduct, exclude and eject persons from and prevent trespasses upon and in all of the State Capitol grounds and other grounds, buildings, improvements, streets, alleys and sidewalks under control of the Secretary of State and shall have the authority to regulate the operation and parking of motor vehicles upon the State Capitol grounds and other grounds under control of the Secretary of State and upon all streets adjoining and traversing the State Capitol grounds, as long as it does not impede normal traffic patterns. The State Capitol Police officers shall have and exercise police supervision on behalf of the Secretary of State and are hereby authorized as peace officers to arrest, with or without warrant, any person upon or in the areas described above who is or is reasonably believed to be committing an offense against any laws of the state of Arkansas or against the ordinances of the city wherein the State Capitol grounds are located, and to deliver such person before any court of competent jurisdiction to be dealt with according to law.

12-14-103. The Secretary of State is hereby authorized and empowered to promulgate rules and regulations, and to amend or change the same from time to time as he shall deem necessary, providing for the operation and organization of the State Capitol Police, so long as such rules and regulations are not arbitrary or capricious.

12-14-104. This act shall apply to and encompass all lands, buildings, and improvements which are the State Capitol grounds which means all property owned by the state of Arkansas within the Capitol Zoning District defined in Ark. Code Ann. Section 22-3-302, and all streets adjoining or traversing the State Capitol grounds, but is not to be interpreted as in any way interfering with the ownership and control which is by law now vested in the governing boards of each department as to its lands, buildings, and improvements. And provisions of this act shall be cumulative to any remedies which each such department may now possess for enforcing its rules and regulations including its rights to impose sanctions through fees and charges, its right to discipline, deny service to and to expel.

12-14-105. The prosecuting attorney and/or the city attorney as may be appropriate shall appear and prosecute all actions arising in any court under the provisions of this act. All fines which may be collected by any court on account of the violation of this act shall be paid into the State Treasury and placed to the credit of the State Capitol Police.

12-14-106. Any police officer or officers so appointed and designated executing the duties delegated to them pursuant to this act shall not be personally liable for injuries to persons or for damages to property dealt with while acting within the scope of their authorized authority on behalf of the state of Arkansas."

SECTION 2. Arkansas Code 22-3-403 is hereby amended to read as follows:

"22-3-403. Penalty.

Any person, including an employee of the state of Arkansas, found guilty of violating the provisions of this subchapter or the traffic and parking rules and regulations of the State Capitol Parking Control Committee shall be guilty of a misdemeanor and upon conviction shall be fined in an amount of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). All fines which may be collected on account of violation of this act shall be paid into the State Treasury and placed to the credit of the State Capitol Police."

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

"22-3-404. Enforcement.

(a) In order that the provisions of this subchapter might be enforced, the Director of the State Police is directed to assign at least one (1) State Police officer to permanent duty on the State Capitol grounds between the hours of 7:00 a.m. and 6:00 p.m. on all days except Saturdays, Sundays, and holidays and the Secretary of State is directed to assign one (1) or more State Capitol police officers.

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

SECTION 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. EMERGENCY. It is hereby found and determined by the General Assembly that under the present laws protection of the State Capitol grounds is inadequate; that this act is designed to maintain proper order and decorum, prevent unlawful assemblies, exclude and eject persons detrimental to the well-being of the State Capitol grounds and regulate the operation and parking of motor vehicles in the Capitol Zoning District and that this law should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

