

State of Arkansas

77th General Assembly                      A Bill

SENATE BILL

Third Extraordinary Session, 1989

CALL ITEM

28

By: Senator Hoofman

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 12-9-108 TO PROVIDE THAT THE  
MERE FAILURE TO MEET LAW ENFORCEMENT STANDARDS SHALL NOT  
INVALIDATE ACTIONS TAKEN BY LAW ENFORCEMENT OFFICERS; AND  
FOR OTHER PURPOSES."

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

SECTION 1. Subsection (a) of Arkansas Code 12-9-108 is hereby amended  
to read as follows:

"(a) 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."

SECTION 2. 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 3. All laws and parts of laws in conflict with this Act are  
hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General  
Assembly that actions taken by law enforcement officers are being held  
invalid merely because the law enforcement officers fail to meet all law  
enforcement standards; that as a result, prosecution of many criminals is being  
thwarted; that criminals should not go unpunished merely because a law  
enforcement officer fails to meet all standards prescribed by the State;  
that this Act eliminates the language which invalidates action taken by

such law enforcement officers; and that this Act should go into effect immediately in order to protect the safety and welfare of the citizens of this State. Therefore, an emergency is hereby declared to exist and this Act being immediately 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.