

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Molinaro

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §§ 12-9-301, 12-9-303, AND
9 12-9-304 TO PROVIDE AUXILIARY LAW ENFORCEMENT OFFICERS
10 WITH THE FULL AUTHORITY OF FULL-TIME LAW ENFORCEMENT
11 OFFICERS TO PREVENT CRIMES AND TO ENFORCE THE TRAFFIC AND
12 CRIMINAL LAWS OF ARKANSAS IN THE COURSE OF PERFORMING
13 ASSIGNED DUTIES; AND FOR OTHER PURPOSES."

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Subtitle

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

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24 SECTION 1. Arkansas Code § 12-9-301 is amended to read as follows:

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"12-9-301. Definitions.

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

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(1) Law enforcement officer means any appointed law enforcement

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officer or sheriff who is responsible for the prevention and detection of

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crime and the enforcement of the criminal, traffic, or highway laws of this

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state;

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(2) Auxiliary law enforcement officer means a person who meets the

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minimum standards and training requirements prescribed for such officers by

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law and regulations, and who is appointed by a political subdivision or a law

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enforcement agency as a reserve officer, volunteer officer, or mounted

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patrol, and who is responsible for the prevention and detection of crime and

1 the enforcement of the criminal, traffic, or highway laws of this state, but
2 does not include any officer or deputy sheriff employed by a planned
3 community property owners' association;

4 (3) Commission means the Governor's Commission on Law Enforcement
5 Standards and Training as established by § 12-9-103;

6 (4) Political subdivision means any county, municipality, township,
7 or other specific local unit of general government;

8 (5) Part-time law enforcement officer as applied to employment and
9 training requirements means any officer working less than twenty (20) hours
10 per week and receiving a salary from the employing law enforcement agency;

11 (6) Law enforcement agency means any police force or organization
12 whose primary responsibility as established by statute or ordinance is the
13 enforcement of the criminal, traffic, or highway laws of this state;

14 (7) Honorary police officer means any person having no law
15 enforcement authority except as a private citizen."
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17 SECTION 2. Arkansas Code § 12-9-303 is amended to read as follows:

18 "12-9-303. Authority of officers.

19 (a) An auxiliary law enforcement officer shall have the authority of a
20 police officer as set forth by statutes of this state when the auxiliary law
21 enforcement officer is performing an assigned duty under an assignment from a
22 law enforcement agency. An auxiliary law enforcement officer may perform any
23 and all duties the same as a law enforcement officer, including the
24 prevention and detection of crime and the enforcement of the criminal,
25 traffic, or highway laws of this state, which the appointing political
26 subdivision or a law enforcement agency determines the auxiliary law
27 enforcement officer is trained and capable of performing and to which he is
28 assigned to perform.

29 (b) When not performing an assigned duty under an assignment from a
30 law enforcement agency, an auxiliary law enforcement officer shall have no
31 authority other than that of a private citizen.

32 (c) Nothing in this subchapter shall be construed as defining an
33 auxiliary law enforcement officer as a full-time certified law enforcement
34 officer, a part-time certified law enforcement officer, or a specialized
35 certified officer as defined by §§ 12-9-101, 12-9-102, 12-9-104 - 12-9-111,

1 and the commission."

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3 SECTION 3. Arkansas Code § 12-9-304(a) is amended to read as follows:

4 "(a) No person shall be appointed as an auxiliary law enforcement
5 officer until the minimum standards for appointment and training requirements
6 have been completed. Any auxiliary law enforcement officer who has not met
7 these requirements and who is not on assigned duty shall have no law
8 enforcement authority except that which is authorized for a private citizen."

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10 SECTION 4. All provisions of this act of general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

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14 SECTION 5. If any provisions of this act or the application thereof to
15 any person or circumstance is held invalid, the invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provisions or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 6. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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