

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

SENATE BILL 702

4 By: Senators Bookout, Everett, Todd and Bearden  
5 By: Representatives B. Wood, Harris, Critcher, Hogue, Wagner, Wooldridge and  
6 Cash

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## For An Act To Be Entitled

10 "AN ACT TO AUTHORIZE THE DIRECTOR OF THE ARKANSAS STATE  
11 POLICE TO INVESTIGATE AND DETERMINE IF CERTAIN AFFECTED  
12 MUNICIPALITIES ARE ABUSING POLICE POWER ON CERTAIN  
13 AFFECTED STATE HIGHWAYS IN ARKANSAS AND TO ORDER THE  
14 MUNICIPAL POLICE TO CEASE PATROLLING THOSE HIGHWAYS; AND  
15 FOR OTHER PURPOSES."

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## Subtitle

18 "TO AUTHORIZE THE ARKANSAS STATE POLICE  
19 TO DETERMINE IF CERTAIN AFFECTED  
20 MUNICIPALITIES ARE ABUSING POLICE POWER  
21 ON CERTAIN STATE HIGHWAYS."

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

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25 SECTION 1. This act may be known as and cited as the "Arkansas Speed  
26 Trap Law".

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28 SECTION 2. As used in this act, unless the context otherwise requires:

29 (1) "Abusing police power" means the exercise of police power to  
30 enforce criminal and traffic laws for the principal purpose of raising  
31 revenue for the municipality, and not for the purpose of public safety and  
32 welfare.

33 (2) "Affected highway" means a multi-laned, divided highway, or  
34 limited access, divided highway which is part of the State Highway System, or  
35 both;

1           (3) "Affected municipality" means any city of the second class or an  
2 incorporated town through which passes an affected highway.

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4           SECTION 3. (a) Upon the request of the *prosecuting attorney of any*  
5 *judicial district* in which an affected municipality is located, the Director  
6 of the Arkansas State Police is authorized to call a public hearing to  
7 investigate and determine whether any municipality is abusing police power.  
8 The hearing shall be conducted at a public meeting at the county courthouse  
9 in the county where the affected municipality is located. Notice of the time  
10 and place of the public meeting shall be published in a newspaper having  
11 general circulation in the county, for two (2) consecutive weeks, the last  
12 publication being not more than ten (10) days prior to the meeting.

13           (b) It shall be presumed that the affected municipality is abusing  
14 police power upon a finding that the amount of revenue produced by fines and  
15 costs from traffic law violations *for which citations were written by the*  
16 *police department of the affected municipality* occurring on the affected  
17 highways exceed thirty percent (30%) of the affected municipality's total  
18 expenditures, less capital expenditures and debt service, in the preceding  
19 year *or that more than fifty percent (50%) of the summons written for*  
20 *speeding in the affected municipality are written for speed limit violations*  
21 *which were ten (10) miles per hour or less than the posted limit.*

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23           SECTION 4. Upon a determination that the municipality is abusing  
24 police power, the Director of the State Police shall have the power to issue  
25 the following sanctions:

26           (1) Order that a municipality abusing police power shall cease  
27 patrolling any or all affected highways; and

28           (2) Order that all or any part of future fines and court costs  
29 received from traffic law violations or misdemeanor cases where the location  
30 of the offense is an affected highway, shall be paid over to the County  
31 General Fund of the county in which the municipality is located.

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33           SECTION 5. Any violation of the sanction ordered under Section 4(1) of  
34 this act by any police officer shall constitute a Class A misdemeanor for  
35 each citation, summons, or misdemeanor arrest made in violation of the

1 Director\_s order.

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3 SECTION 6. All provisions of this act of general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 7. If any provisions of this act or the application thereof to  
8 any person or circumstance is held invalid, the invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provisions or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 8. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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*/s/Bookout et al*

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