

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Keet

# A Bill

SENATE BILL 728

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 12-9-301 TO PROVIDE THAT  
9 AUXILIARY LAW ENFORCEMENT OFFICERS *IN COUNTIES OF 200,000*  
10 *OR MORE POPULATION* MAY ISSUE CITATIONS AND PERFORM ARRESTS  
11 WITHOUT THE DIRECT SUPERVISION OF A LAW ENFORCEMENT  
12 OFFICER; TO AMEND ARKANSAS CODE § 12-9-303 TO ALLOW  
13 AUXILIARY LAW ENFORCEMENT OFFICERS TO BE ON-DUTY ON A  
14 FULLTIME BASIS AND TO CARRY A CONCEALED WEAPON FOR  
15 PROTECTION IF AUTHORIZED BY THE LAW ENFORCEMENT AGENCY *IN*  
16 *A COUNTY OF 200,000 OR MORE POPULATION*; AND FOR OTHER  
17 PURPOSES."

## Subtitle

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20 "TO PROVIDE THAT AUXILIARY LAW  
21 ENFORCEMENT OFFICERS *IN COUNTIES OF*  
22 *200,000 OR MORE POPULATION* MAY ISSUE  
23 CITATIONS AND PERFORM ARRESTS WITHOUT  
24 THE DIRECT SUPERVISION AND TO CARRY A  
25 CONCEALED WEAPON FOR PROTECTION IF  
26 AUTHORIZED."

27  
28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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30 *SECTION 1. Arkansas Code § 12-9-301 is amended to add a new*  
31 *subdivision (9) to read as follows:*

32 "(9) Supervision means having a designated full-time certified law  
33 enforcement officer responsible for the direction, conduct, and performance  
34 of the auxiliary law enforcement officer when that auxiliary law enforcement  
35 officer *is appointed and certified by a law enforcement agency in a county of*

1 *Arkansas having a population of 200,000 or more persons, according to the*  
2 *latest decennial census, and is working an assigned duty, but does not mean*  
3 *that the full-time certified law enforcement officer must be in the physical*  
4 *presence of the auxiliary law enforcement officer when the auxiliary officer*  
5 *is working an assigned duty. The means of supervision shall be determined by*  
6 *the law enforcement agency in the county having a population of 200,000 of*  
7 *more persons, and may include, but is not limited to, communication by radio,*  
8 *telephone, or other communication device, or after action written or verbal*  
9 *reports. When performing an assigned duty, the auxiliary law enforcement*  
10 *officer does not have to communicate with the supervising full-time law*  
11 *enforcement officer prior to performing a law enforcement function, to*  
12 *include, but not limited to, arrests and issuing citations."*

13

14 SECTION 2. Arkansas Code § 12-9-303 is amended to read as follows:

15 "12-9-303. Authority of officers.

16 (a) An auxiliary law enforcement officer shall have the authority of a  
17 police officer as set forth by statutes of this state when the auxiliary law  
18 enforcement officer is performing an assigned duty and is under the *direct*  
19 supervision of a full-time certified law enforcement officer. *Provided,*  
20 *auxiliary law enforcement officers appointed and certified in a county having*  
21 *a population of 200,000 or more persons shall have the authority of a police*  
22 *officer as set forth by statutes of this state when the auxiliary law*  
23 *enforcement officer is performing an assigned duty and is under supervision*  
24 *of a full-time law enforcement officer. The law enforcement agency in a*  
25 *county having a population of 200,000 or more persons shall determine the*  
26 *auxiliary officer's assigned duties, which may include, but is not limited*  
27 *to, performing assigned duties on a twenty-four (24) hour a day, seven day a*  
28 *week, 365 day a year basis.*

29 (b)(1) *When not performing an assigned duty and when not working under*  
30 *the direct supervision of a full-time certified law enforcement officer, an*  
31 *auxiliary law enforcement officer shall have no authority other than that of*  
32 *a private citizen.*

33 (2) *In counties in Arkansas with 200,000 or more persons, the*  
34 *auxiliary law enforcement officer may be authorized by a law enforcement*  
35 *agency in those counties to carry a concealed weapon for the protection of*

1 *the auxiliary law enforcement officer when not performing an assigned duty*  
2 *and not under supervision of a full-time certified law enforcement officer.*  
3 *An auxiliary law enforcement officer from a county with 200,000 or more*  
4 *persons is authorized to carry a concealed weapon while outside the*  
5 *jurisdiction where he is certified as an auxiliary law enforcement officer*  
6 *only to the extent provided for under the authority of Acts 411 and 419 of*  
7 *1995 and by any rules and regulations promulgated under them and as is*  
8 *otherwise authorized by law.*

9 (c) An auxiliary law enforcement officer, when not working under the  
10 direct supervision of a full-time certified law enforcement officer, may  
11 perform tasks such as traffic direction, parade functions, etc., that are  
12 clearly not law enforcement functions and are assigned by the law enforcement  
13 agency.

14 (d) Nothing in this subchapter shall be construed as defining an  
15 auxiliary law enforcement officer as a full-time certified law enforcement  
16 officer, a part-time certified law enforcement officer, or a specialized  
17 certified officer as defined by §§ 12-9-101, 12-9-102, 12-9-104 - 12-9-111,  
18 and the commission."

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

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

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30 SECTION 5. All laws and parts of laws in conflict with this act are  
31 hereby repealed.

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*/s/Keet*

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