

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

A Bill

SENATE BILL 737

4 By: Senators Mahony and Ross
5 By: Representatives Dawson and Owens

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For An Act To Be Entitled

8
9 "AN ACT TO ESTABLISH SEPARATE BOARDS FOR LAW ENFORCEMENT
10 TRAINING ACADEMY AND LAW ENFORCEMENT STANDARDS; AND FOR
11 OTHER PURPOSES."

12
13

Subtitle

14 "TO ESTABLISH SEPARATE BOARDS FOR LAW
15 ENFORCEMENT TRAINING ACADEMY AND LAW
16 ENFORCEMENT STANDARDS."

17

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

19

20 SECTION 1. Subchapter 2 of Chapter 9 of Title 12 of the Arkansas Code
21 is amended by inserting additional sections at the end thereof to read as
22 follows:

23 "12-9-210. Arkansas Law Enforcement Training Academy Commission
24 created - Members - Meetings - Director.

25 (a) The Arkansas Law Enforcement Training Academy Commission is hereby
26 established to consist of five (5) members to be appointed by the Governor
27 with the advice and consent of the Senate.

28 (b) Two (2) members of the Arkansas Law Enforcement Training Academy
29 Commission shall be chiefs of police of municipalities in Arkansas, two (2)
30 members of the Commission shall be sheriffs of the counties in this state,
31 and one (1) member of the Arkansas Law Enforcement Training Academy
32 Commission shall be appointed from the state at large.

33 (c) Members shall serve five (5) year terms except that the terms
34 shall be staggered by the Governor so that the term of one (1) member expires
35 each year. However, members shall serve until their successors are appointed

1 and qualified.

2 (d) In the event a vacancy occurs on the Arkansas Law Enforcement
3 Training Academy Commission prior to the expiration of a term, the vacancy
4 shall be filled by appointment by the Governor for the remainder of the
5 unexpired portion of the term.

6 (e) The Arkansas Law Enforcement Training Academy Commission may, by a
7 majority vote of the total membership of the Commission, cast at its first
8 regularly scheduled meeting of each calendar year, authorize expense
9 reimbursement for Commission members performing official duties of the
10 Commission and such expense reimbursement shall not exceed the rate
11 established for state employees in the state travel regulations.

12 (f) The Arkansas Law Enforcement Training Academy Commission shall
13 meet at such times as may be provided by the rules of the board, or upon call
14 of the chairman, or upon written request of any two (2) members.

15 (g) The Governor, upon recommendation of the Arkansas Law Enforcement
16 Training Academy Commission, shall appoint the director of the training
17 academy, who shall perform such duties as may be directed by the board and
18 who shall serve at the pleasure of the Governor.

19 12-9-211. Training programs.

20 (a) For the purpose of this subchapter, the Arkansas Law Enforcement
21 Training Academy may cooperate with federal, state, and local law enforcement
22 agencies in establishing and conducting instruction and training programs for
23 law enforcement officers of this state, its counties, and municipalities.

24 (b) The Arkansas Law Enforcement Training Academy shall establish and
25 maintain police training programs through such agencies and institutions as
26 the board may deem appropriate to carry out the intent of this subchapter."

27

28 SECTION 2. Arkansas Code 12-9-204(a) is amended to read as follows:

29 "(a) All teaching and instruction personnel at the Arkansas Law
30 Enforcement Training Academy at East Camden, Arkansas, or other facility
31 designated by the Arkansas Law Enforcement Training Academy Commission are
32 classified and designated law enforcement officers."

33

34 SECTION 3. Arkansas Code 12-9-102(2) is amended to read as follows:

35 "(2) Commission means the Arkansas Commission on Law Enforcement

1 Standards as established by § 12-9-103 and which shall be housed at State
2 Police offices in Little Rock;"

3

4 SECTION 4. Arkansas Code 12-9-103(a) is amended to read as follows:

5 "(a) The Arkansas Commission on Law Enforcement Standards shall
6 consist of nine (9) members, to be appointed by the Governor with the advice
7 and approval of the Senate."

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9 SECTION 5. Arkansas Code 12-9-103(g) is amended to read as follows:

10 "(g) The Governor, upon recommendation of the Arkansas Commission on
11 Law Enforcement Standards, shall appoint the Director of Law Enforcement
12 Standards, who shall perform such duties as may be directed by the commission
13 and who shall serve at the pleasure of the Governor."

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15 SECTION 6. Arkansas Code 12-9-104 is amended to read as follows:

16 "12-9-104 Commission's powers generally.

17 In addition to powers conferred upon the Arkansas Commission on Law
18 Enforcement Standards elsewhere in this subchapter, the commission shall have
19 power to:

20 (1) Promulgate rules and regulations for the administration of this
21 subchapter. The rules and regulations promulgated by the Commission on Law
22 Enforcement Standards shall not go into full force and effect until the
23 commission seeks the advice of the Arkansas Legislative Council and the Joint
24 Interim Committee on Public Health, Welfare, and Labor;

25 (2) Require the submission of reports and information by police
26 departments within this state;

27 (3) Establish minimum selection and basic training standards for
28 admission to employment as a law enforcement officer. The standards may take
29 into account different requirements for urban and rural areas, full-time and
30 part-time employment, and specialized police personnel. However, the minimum
31 selection and basic training standards for admission to employment as a law
32 enforcement officer shall not apply to volunteer police auxiliary officers,
33 to volunteer officers of sheriffs' mounted patrols, and to honorary police
34 officer commissions issued by appropriate police authority;

35 (4) Establish minimum curriculum requirements for preparatory,

1 in-service, and advanced courses and programs of schools operated by or for
2 the state and political subdivisions for the specific purpose of training
3 recruits for law enforcement officers;

4 (5) Consult and cooperate with counties, municipalities, agencies of
5 this state, other governmental agencies, and with universities, colleges,
6 junior colleges, community colleges, and other institutions or organizations
7 concerning the development of police training schools and programs or courses
8 of instruction;

9 (6) Adopt rules and minimum standards for schools which shall include,
10 but not be limited to, the following:

11 (A)(i) The curriculum for probationary police officers, which
12 shall be offered by all certified schools, shall include, but shall not be
13 limited to, courses on arrest, search and seizure, civil rights, human
14 relations, race relations and sensitivity, criminal law, law of criminal
15 procedure, vehicle and traffic law, traffic control, accident investigation,
16 techniques of obtaining physical evidence, court testimonies, statements,
17 reports, firearms training, first aid, handling of juvenile offenders,
18 recognition of mental conditions which require immediate assistance and
19 methods to safeguard and provide assistance to a person in need of mental
20 treatment, law of evidence, and physical training.

21 (ii) The curriculum for permanent police officers shall
22 include, but shall not be limited to, refresher and in-service training in
23 any of the courses listed above in this subdivision, advance courses in any
24 of the subjects listed above in this subdivision, training for supervisory
25 personnel, and specialized training in subjects and fields to be selected by
26 the commission;

27 (B) Minimum courses of study, attendance requirements, and
28 equipment requirements;

29 (C) Minimum requirements for instructors;

30 (D) Minimum basic training requirements which a probationary
31 police officer must satisfactorily complete before being eligible for
32 permanent employment as a law enforcement officer;

33 (7) Make and encourage studies of any aspect of police administration;

34 (8) Conduct and stimulate research by public and private agencies
35 designed to improve police administration and law enforcement;

1 (9) Make recommendations concerning matters within its purview
2 pursuant to this subchapter;

3 (10) Make evaluations as may be necessary to determine if governmental
4 units are complying with the provisions of this subchapter;

5 (11) Adopt and amend bylaws, consistent with law, for its internal
6 management and control;

7 (12) Enter into contracts or do such things as may be necessary and
8 incidental to the administration of this subchapter."
9

10 SECTION 7. Arkansas Code 12-9-105 is amended to read as follows:

11 "12-9-105 Employees. The Arkansas Commission on Law Enforcement
12 Standards is authorized to employ such employees as are necessary to
13 efficiently and effectively carry out the provisions of this subchapter and
14 as may be authorized by biennial appropriations of the General Assembly."
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16 SECTION 8. Arkansas Code 12-9-106(a)(1) is amended to read as follows:

17 "(a)(1) The Arkansas Commission on Law Enforcement Standards shall
18 provide, by regulation, that no person shall be appointed as a law
19 enforcement officer, except on a temporary basis not to exceed one (1) year,
20 unless the person has satisfactorily completed basic training at the Arkansas
21 Law Enforcement Training Academy at East Camden, Arkansas, or other facility
22 designated by the Arkansas Law Enforcement Training Academy Commission."
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24 SECTION 9. Arkansas Code 12-9-107 is repealed.
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26 SECTION 10. Arkansas Code 12-9-108 is amended to read as follows:

27 "12-9-108. Failure to meet qualifications - Effect - Exemptions.

28 (a) Actions taken by law enforcement officers who do not meet all of
29 the standards and qualifications set forth in this subchapter or made by the
30 Arkansas Commission on Law Enforcement Standards shall not be held invalid
31 merely because of the failure to meet the standards and qualifications.

32 (b) (1) Nothing in this subchapter or any requirements made by the
33 commission shall prevent any action by a private citizen that is now
34 authorized by law.

35 (2) Nor shall any provision of this subchapter affect the

1 deputizing of a private citizen by a law enforcement officer in a time of a
2 disaster or emergency.

3 (3) Nothing in this subchapter or any other law shall prohibit
4 inspectors and code enforcement officers of cities and towns from issuing
5 citations for the violation of municipal codes, ordinances, or regulations
6 that they are charged by their city or town with the duty of enforcing.

7 (4)(A) Cities of the first and second class and incorporated
8 towns are authorized to employ persons who do not meet certification
9 requirements prescribed by the Arkansas Commission on Law Enforcement
10 Standards to issue citations for parking violations occurring within the
11 corporate limits of the city or town.

12 (B) Persons employed under this subdivision shall not carry
13 firearms nor take any other official law enforcing action except that
14 enumerated in subdivision (b)(4)(A) of this section."
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16 SECTION 11. Arkansas Code 12-9-109 is amended to read as follows:
17 "12-9-109. Legal counsel.

18 The Attorney General shall serve as legal counsel to the Arkansas
19 Commission on Law Enforcement Standards, but he may designate one (1) or more
20 members of his staff to provide legal service to the commission."
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22 SECTION 12. All provisions of this act of a general and permanent
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
24 Code Revision Commission shall incorporate the same in the Code.

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26 SECTION 13. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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

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35 SECTION 15. EMERGENCY. It is hereby found and determined by the

1 General Assembly that the change in authority over establishment of standards
2 and training for law enforcement officers should occur at the beginning of
3 the next fiscal year, and that unless this emergency clause is adopted this
4 act will not become effective until after the beginning of the next fiscal
5 year. Therefore, an emergency is hereby declared to exist, and this act
6 being immediately necessary for the preservation of the public peace, health,
7 and safety shall be in full force and effect from and after July 1, 1995.

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