

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

# A Bill

HOUSE BILL 1303

5 By: Representatives Northcutt, Faris, Schexnayder, Fletcher and Wallis  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 12-8-106 TO AUTHORIZE THE  
10 DIRECTOR OF ARKANSAS STATE POLICE TO FURTHER REGULATE THE  
11 ENFORCEMENT OF TRAFFIC LAWS ON U.S. AND STATE HIGHWAYS BY  
12 MUNICIPAL LAW ENFORCEMENT AUTHORITIES; AND FOR OTHER  
13 PURPOSES."  
14

## Subtitle

15  
16 "TO AUTHORIZE THE DIRECTOR OF THE STATE  
17 POLICE TO FURTHER REGULATE THE  
18 ENFORCEMENT OF TRAFFIC LAWS ON U.S. AND  
19 STATE HIGHWAYS."  
20

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

23 SECTION 1. Arkansas Code § 12-8-106 is amended to read as follows:

24 "12-8-106. State police - Duties and powers - Restrictions - Municipal  
25 police barred from certain highways.

26 (a) It shall be the duty of the Department of Arkansas State Police to:

27 (1) Patrol the public highways, make arrests, and enforce the  
28 laws of this state relating to motor vehicles and the use of the state  
29 highways;

30 (2) Assist in the collection of delinquent motor vehicle license  
31 taxes and the collection of gasoline and other taxes that are required by law;  
32 and

33 (3) Determine when, if possible, the person or persons are the  
34 cause of injury to any such highway or other state property and arrest all  
35 persons criminally responsible for injury to any such highway or other state  
36 property and bring them before the proper officer for trial.

37 (b) The Department of Arkansas State Police shall be conservators of

1 the peace and as such shall have the powers possessed by police officers in  
 2 cities and sheriffs in counties, except that the Arkansas State Police may  
 3 exercise such powers anywhere in this state.

4 (c) The police officers shall have all the power and authority of the  
 5 State Fire Marshal and shall assist in making investigations of arson and such  
 6 other offenses as the director may direct and shall be subject to the call of  
 7 the circuit courts of the state and the Governor.

8 (d) However, this chapter shall not be construed so as to take away any  
 9 authority of the regularly constituted peace officers in the state, but the  
 10 Arkansas State Police shall cooperate with them in the enforcement of the  
 11 criminal laws of the state and assist such officers either in the enforcement  
 12 of the law or apprehension of criminals.

13 (e) Nothing in this chapter shall be so construed as to authorize any  
 14 officer of the Department of Arkansas State Police to serve writs unless they  
 15 are specifically directed to the department, or an officer thereof, by the  
 16 issuing authority.

17 (f) No officer or member of the Department of Arkansas State Police  
 18 shall ever be used in performing police duties on private property in  
 19 connection with any strike, lockout, or other industrial disturbance.

20 (g)(1) Municipal police are prohibited from patrolling limited access  
 21 highways, except as may be authorized by the Director of the Department of  
 22 Arkansas State Police.

23 (2)(A) In addition, law enforcement authorities of all cities of  
 24 the second class and incorporated towns are prohibited from using any type of  
 25 laser, radar or time-distance speed detection equipment upon any U.S. or state  
 26 highways, except as may be authorized by the Director of the Department of  
 27 Arkansas State Police after application by the municipal authorities.

28 (B) An application for authorization to the Director shall  
 29 include, as a minimum:

30 (i) the number identifier of the U.S. or state  
 31 highway, including the total mileage within the municipal limits;

32 (ii) number of accidents on the U.S. or state highway  
 33 for the preceding twelve (12) month period;

34 (iii) number of officers employed by the law  
 35 enforcement agency and the number who are laser or radar certified;

36 (iv) total number of citations and arrests, including

1 hazardous, non-hazardous, and criminal violations for the preceding twelve  
2 (12) month period; and  
3 (v) total number of citations or arrests for speeding  
4 or speeding related offenses in the preceding twelve (12) month period.  
5 ~~\_\_\_\_\_ (2)(3)~~ However, nothing in this subsection shall prohibit a  
6 municipal police officer from responding to an accident or other emergency on  
7 a limited access highway or from enforcing any traffic or criminal laws on a  
8 U.S. or state highway, except as proscribed in subdivision (2) of this  
9 subsection."

10

11 SECTION 2. All provisions of this act of general and permanent nature  
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
13 Revision Commission shall incorporate the same in the Code.

14

15 SECTION 3. If any provisions of this act or the application thereof to  
16 any person or circumstance is held invalid, the invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provisions or application, and to this end the provisions of this  
19 act are declared to be severable.

20

21 SECTION 4. All laws and parts of laws in conflict with this act are  
22 hereby repealed.

23

24

25

26

27

28

29

30

31

32

33

34

35