

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4 By: Representative Malone

A Bill

HOUSE BILL 1477

For An Act To Be Entitled

"THE ARKANSAS PRIVATE COLLEGIATE LAW ENFORCEMENT ACT"

Subtitle

"THE ARKANSAS PRIVATE COLLEGIATE LAW
ENFORCEMENT ACT"

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

SECTION 1. This act shall be known and may be cited as The Arkansas Private Collegiate Law Enforcement Act.

SECTION 2. As used in this act:

(1) "Campus" means the real property, buildings, and other improvements within this state owned, leased, rented, or controlled by a private institution of higher education.

(2) "Campus police officer" means an individual holding a commission from and employed by a private institution of higher education pursuant to this act.

(3) "Certification" means certification by the Commission on Law Enforcement Standards and Training (CLEST) that the person certified meets the prescribed minimum standards for employment established pursuant to CLEST rules and regulations.

(4) "Commission" means a certificate of appointment by the governing board of a private institution of higher education of an individual certified as a full-time campus police officer.

(5) "Governing board" means the governing body of the private institution of higher education which determines management policy and has responsibility for the general government of the private institution of higher education.

1 (6) A "private institution of higher education" means a private college
2 or university in this state accredited and recognized by the North Central
3 Association of Colleges and Secondary Schools.

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5 SECTION 3. (a) Campus police departments formed by private
6 institutions of higher education pursuant to this act shall be deemed to be
7 public agencies in the State of Arkansas for the limited purposes of enforcing
8 the criminal statutes of Arkansas and making agreements with local law
9 enforcement agencies or political subdivisions of the state pursuant to this
10 act.

11 (b) The jurisdiction of campus police officers includes the highways,
12 streets, roads, alleys, easements, and other public ways immediately adjacent
13 to their campus and any other areas authorized pursuant to an agreement
14 authorized by this act. This delineation of jurisdiction, however, shall not
15 be understood as limiting the completion of any necessary enforcement
16 activities which began within these jurisdictions and are in compliance with
17 an agreement made with the municipality or county sheriff pursuant to such
18 act. In the absence of this agreement, only those law enforcement activities
19 which began on campus may be completed off campus and such activities must be
20 completed in a timely manner. Such law enforcement activities shall be
21 coordinated with the local law enforcement agency having jurisdiction in that
22 off-campus area. In addition, a campus police officer shall have the
23 jurisdiction in other locations pursuant to an agreement authorized by this
24 act. Such agreement may authorize the chief administrative officer of the law
25 enforcement agency to request assistance pursuant to the agreement. Campus
26 police officers shall have the same powers, liabilities, and immunities as
27 sheriffs or police officers within their jurisdiction.

28 (c) As limited by law, the provisions of this section, and the
29 governing board, a campus police shall have the authority to enforce:

- 30 (1) state criminal statutes;
31 (2) municipal ordinances; and
32 (3) rules and regulations of the private institution of higher
33 education employing the campus police officer.

34 (d) As limited by law, the provisions of this section, and the
35 governing board, the campus police department shall have the same authority as
36 a municipal police department.

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2 SECTION 4. (a) Governing boards of private institutions of higher
3 education are authorized to establish campus police departments in accordance
4 with this act. These boards may employ and appoint campus police officers and
5 may designate uniforms, badges, and insignia to be worn by such officers and
6 displayed on vehicles or other equipment of the department. Campus police
7 departments shall use the following words or phrases, alone or in any
8 combination, in conjunction with the uniform, badges, insignia, or in vehicles
9 utilized by these departments: university police, university public safety
10 department, campus police department, campus public safety officer, or any
11 standardized title such as director, major, captain, lieutenant, sergeant, or
12 corporal, or patrol officer. Upon appointment, each such officer shall be
13 given a written commission, with a photo identification which must be carried
14 while on duty, evidencing the officer_s appointment and authority. The form
15 of this commission shall be prescribed by the governing boards. Persons
16 employed by a governing board which has established a campus police department
17 but who are not campus police officers shall not be permitted to wear
18 uniforms, badges, or insignia specified in this subsection or receive
19 commissions or photo identification of the type provided campus police
20 officers.

21 (b) The law enforcement commission of a campus police officer may be
22 suspended or revoked by the executive head of the institution_s police
23 department for any reason. CLEST may revoke or suspend certification for
24 cause related to the campus police officer_s inability to exercise the powers
25 of such certification in the interest of public safety upon conviction of the
26 campus police officer for any felonies such as larceny, theft, embezzlement,
27 false pretense, fraud, any non-consensual sex offense, any offense involving a
28 minor as a victim, any offense involving the possession, use, distribution or
29 sales of a controlled substance, or any offense involving a firearm and for a
30 crime involving moral turpitude. The certification of a campus police officer
31 no longer employed by the governing board, except an officer who is retiring,
32 shall be relinquished to CLEST or its representative at the time of cessation
33 of said employment. When a certification or commission is revoked or
34 relinquished, the campus police department shall take possession of all campus
35 police officer insignia, badges, identification cards, and weapons issued to
36 the officer. A person who fails to relinquish the insignia, badges,

1 identification cards, or weapons upon cessation of employment shall be deemed
 2 guilty of a Class A misdemeanor.

3 (c) The campus police department head shall notify CLEST when an
 4 officer is commissioned or a commission is relinquished or revoked. The
 5 department head shall provide CLEST with all information regarding officers_
 6 requests by CLEST.

7 (d) A campus police officer employed pursuant to the Arkansas Private
 8 Collegiate Law Enforcement Act shall not be able to participate in either the
 9 Arkansas Police Pension and Retirement System or the Arkansas Enforcement
 10 Retirement System, unless otherwise entitled to by law.

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12 SECTION 5. Nothing in this act shall be construed as prohibiting
 13 governing boards from:

14 (1) Employing personnel licensed pursuant to the Private Investigators
 15 and Private Security Agencies Act, Arkansas Code Annotated § 17-40-101 et
 16 seq.;

17 (2) Contracting with municipalities to authorize their local municipal
 18 police department, or with sheriffs_ departments, or with individual certified
 19 police officers to provide security services;

20 (3) Providing courtesy patrols, watchmen, traffic control personnel, or
 21 other persons for the performance of safety or security duties for which such
 22 personnel are trained.

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24 SECTION 6. Municipalities and counties having overlapping or concurrent
 25 jurisdiction with a campus police department may enter into agreements with
 26 the campus police departments recognizing jurisdictional boundaries and
 27 providing for mutual assistance. Any such agreements shall be executed by the
 28 Executive Head or their designate of the private institution of higher
 29 education and the Executive Heads of the municipal or county law enforcement
 30 agencies. This act shall not serve to prevent other law enforcement agencies
 31 from having concurrent or overlapping jurisdiction. Nothing in this act or
 32 any action pursuant to this act shall be deemed to create an agent-principal
 33 relationship between any campus police officer and any municipality or county.

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35 SECTION 7. Criminal fines, penalties, fees, or penalty assessments
 36 imposed by a municipal or circuit court pursuant to state law or municipal

1 ordinance as the result of an arrest or a citation issued by a campus police
 2 officer appointed pursuant to this act shall be collected and distributed as
 3 required by law.

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 5 SECTION 8. The prosecuting attorney of the district where the unlawful
 6 conduct is alleged to have taken place shall have authority to prosecute such
 7 offense upon complaint being signed by a campus police officer appointed
 8 pursuant to this act. Any municipal ordinance offense shall be prosecuted in
 9 municipal court.

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11 SECTION 9. A campus police department or any officer thereof enforcing
 12 state law or municipal ordinance as authorized by this act shall not be deemed
 13 to be acting under the authority of any political subdivision of the state.

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15 SECTION 10. All provisions of this act of a general and permanent
 16 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 17 Code Revision Commission shall incorporate the same in the Code.

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19 SECTION 11. If any provision of this act or the application thereof to
 20 any person or circumstance is held invalid, such invalidity shall not affect
 21 other provisions or applications of the act which can be given effect without
 22 the invalid provision or application, and to this end the provisions of this
 23 act are declared to be severable.

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25 SECTION 12. All laws and parts of laws in conflict with this act are
 26 hereby repealed.

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