

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

As Engrossed: S3/6/97

A Bill

SENATE BILL 301

5 By: Senators Mahony and Ross
6 By: Representatives Dawson and Ingram
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 12-9-106 TO CLARIFY THAT
10 PERSONS WHO HAVE PLED GUILTY TO A FELONY OR WHO HAVE HAD
11 THEIR CRIMINAL RECORDS EXPUNGED ARE PROHIBITED FROM BEING
12 ELIGIBLE TO BE CERTIFIED AS LAW ENFORCEMENT OFFICERS; AND
13 FOR OTHER PURPOSES."

Subtitle

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15 "TO CLARIFY THAT PERSONS HAVE PLED
16 GUILTY TO A FELONY OR WHO HAVE HAD THEIR
17 CRIMINAL RECORDS EXPUNGED ARE INELIGIBLE
18 TO BECOME CERTIFIED LAW ENFORCEMENT
19 OFFICERS."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 12-9-106 is amended to read as follows:

25 "12-9-106. Selection and training requirements - Exceptions.

26 (a)(1) The Arkansas Commission on Law Enforcement Standards and
27 Training shall provide, by regulation, that no person shall be appointed as a
28 law enforcement officer, except on a temporary basis not to exceed one (1)
29 year, unless the person has satisfactorily completed a preparatory program of
30 police training at a school approved by the commission.

31 (2) A law enforcement officer who lacks the education and
32 training qualifications required by the commission shall not have his
33 temporary or probationary employment extended beyond one (1) year, by renewal
34 of appointment or otherwise, unless extraordinary circumstances exist in the
35 majority opinion of the executive body of the commission, whereupon the
36 commission may approve an extension of probation for no more than an

1 eight-month period.

2 (b) In addition to the requirements of subsection (a) of this section
3 and § 12-9-104(7), the commission, by rules and regulations, shall fix such
4 other qualifications as it deems necessary. However, no person who pleads
5 guilty or nolo contendere to or is found guilty of a felony shall be eligible
6 to be appointed or certified as a law enforcement officer. No person shall be
7 eligible for appointment or certification as a law enforcement officer who has
8 had a felony record expunged or dismissed pursuant to the First Offender Act,
9 Arkansas Code §§ 16-93-301, et seq., the expungement provisions in Arkansas
10 Code §§ 12-12-1001, et seq., §§ 16-90-101, et seq., § 16-90-1207, or
11 §§ 16-90-901, et seq., the discharge and dismissal provisions in Arkansas Code
12 §§ 5-4-311, 5-64-407 or 16-90-115, or any other similar present or future
13 statute providing for expungement or dismissal subsequent to a plea of guilty
14 or nolo contendere, a determination of guilt and regardless of whether the
15 person was placed on probation, received a suspension of imposition or
16 execution of sentence, or was eligible for any of the previous dispositions
17 pursuant to any present or future laws.

18 (c) The commission shall issue a certificate evidencing satisfaction of
19 the requirements of subsections (a) and (b) of this section to any applicant
20 who presents such evidence as may be required by its rules and regulations of
21 satisfactory completion of a program or course of instruction in this or
22 another state conforming to the content and quality required by the commission
23 for approved education and training.

24 (d) Nothing herein shall be construed to preclude any employing agency
25 from establishing qualifications and standards for hiring, training,
26 compensating, or promoting law enforcement officers that exceed those set by
27 the commission.

28 (e)(1) Law enforcement officers already serving under full-time
29 permanent appointment on December 31, 1977, shall not be required to meet the
30 requirements of subsections (a) and (b) of this section as a condition of
31 tenure or continued employment, nor shall failure of any such law enforcement
32 officer to fulfill the requirements make him ineligible.

33 (2) Law enforcement officers employed prior to January 1, 1976,
34 may continue their employment and participate in training programs on a
35 voluntary or assigned basis, but failure to meet standards shall not be
36 grounds for their dismissal or termination of employment, although subsequent

1 termination of employment, voluntary or involuntary, will constitute a
2 revocation of this exclusion status.

3 (3) Personnel of law enforcement agencies whose status as to
4 coverage under this subchapter is questionable on December 31, 1977, but who
5 are subsequently determined to be subject thereto, shall have an effective
6 date of compliance enforcement as set by the commission; personnel employed
7 prior to that date shall be excluded from mandatory compliance therewith."

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

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

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

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/s/Mahony et al

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