

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H4/7/99

A Bill

HOUSE BILL 2156

5 By: Representatives Broadway, *Horn, Haak*
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7

For An Act To Be Entitled

9 "AN ACT TO ALLOW SCHOOL BOARDS TO CONTRACT WITH LOCAL
10 LAW ENFORCEMENT AGENCIES OF MUNICIPALITIES TO
11 ESTABLISH CAMPUS POLICE DEPARTMENTS; AND FOR OTHER
12 PURPOSES. "

Subtitle

15 "AN ACT TO ALLOW SCHOOLS BOARDS TO
16 CONTRACT WITH LOCAL LAW ENFORCEMENT
17 AGENCIES OF MUNICIPALITIES TO ESTABLISH
18 CAMPUS POLICE DEPARTMENTS. "

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

23 SECTION 1. *Title 6, Chapter 5 of the Arkansas Code is amended to add a*
24 *Subchapter 7 to read as follows:*

25 "6-5-701. This subchapter shall be known and may be cited as 'The
26 Arkansas Public School Law Enforcement Act.'

27
28 6-5-702. As used in this subchapter:

29 (1) 'Campus' means the real property, buildings, and other
30 improvements within this state locally owned, leased, rented, or controlled by
31 a public school for education;

32 (2) 'Campus police officer' means an individual holding a
33 commission from and employed or contracted by a public institution of public
34 education pursuant to The Arkansas Public School Law Enforcement Act;

35 (3) 'Certification' means certification by the Commission on Law
36 Enforcement Standards and Training (CLEST) that the person certified meets the

1 prescribed minimum standards for employment established pursuant to CLEST
2 rules and regulations;

3 (4) 'Commission' means a certificate of appointment by the governing
4 board of a public institution of public education of an individual certified
5 as a campus police officer; and

6 (5) 'Governing board' means the local school board of the public
7 school of education which determines management policy and has responsibility
8 for the general government of the local school district;

9
10 6-5-703. (a) The school boards of a public school with a student
11 populations of at least 4500 or more as of the effective date of this act may
12 contract with local law enforcement agencies including municipal police
13 departments or the sheriff's department to create a campus police departments.

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

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

34 (1) state criminal statutes;

35 (2) municipal ordinances; and

36 (3) rules and regulations of the public school district employing

1 the campus police officer.

2 (d) As limited by law, the provisions of this subchapter, and the
3 governing board, the campus police department shall have the same authority as
4 a municipal police department.

5
6 6-5-704. (a) The governing board may designate uniforms, badges, and
7 insignia to be worn by such officers and displayed on vehicles or other
8 equipment of the department. Campus police departments shall use the
9 following words or phrases, alone or in any combination, in conjunction with
10 the uniform, badges, insignia, or in vehicles utilized by these departments:
11 campus police, campus public safety department, campus police department,
12 campus public safety officer, or any standardized title such as director,
13 chief, captain, lieutenant, sergeant, corporal, or patrol officer. Upon
14 appointment, each such officer shall be given a written commission, with a
15 photo identification which must be carried while on duty, evidencing the
16 officer's appointment and authority. The form of this commission shall be
17 prescribed by the governing boards. Persons employed by a governing board
18 which has established a campus police department but who are not campus police
19 officers shall not be permitted to wear uniforms, badges, or insignia
20 specified in this subsection or receive commissions or photo identification of
21 the type provided campus police officers.

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

1 the officer. A person who fails to relinquish the insignia, badges,
2 identification cards, or weapons upon cessation of employment shall be deemed
3 guilty of a Class A misdemeanor.

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

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

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13 6-5-705. Nothing in this subchapter shall be construed as prohibiting
14 local school boards from:

15 (1) Employing personnel licensed pursuant to the Private
16 Investigators and Private Security Agencies Act, Arkansas Code Annotated
17 Title 17 Chapter 40;

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

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

24 (4) Hiring only school district personnel limited to
25 administration of the campus police department.

26
27 6-5-706. Municipalities and counties having overlapping or concurrent
28 jurisdiction with a campus police department may enter into agreements with
29 the campus police departments recognizing jurisdictional boundaries and
30 providing for mutual assistance. Any such agreements shall be executed by the
31 executive head or their designate of the public school and the executive heads
32 of the municipal or county law enforcement agencies. This subchapter shall
33 not serve to prevent other law enforcement agencies from having concurrent or
34 overlapping jurisdiction.

35
36 6-5-707. Criminal fines, penalties, fees, or penalty assessments

1 imposed by a municipal or circuit court pursuant to state law or municipal
2 ordinance as the result of an arrest or a citation issued by a campus police
3 officer appointed pursuant to this subchapter shall be collected and
4 distributed as required by law.

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6 6-5-708. The prosecuting attorney of the district where the unlawful
7 conduct is alleged to have taken place shall have authority to prosecute such
8 offense upon complaint being signed by a campus police officer appointed
9 pursuant to this subchapter. Any municipal ordinance offense shall be
10 prosecuted in municipal court."

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

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

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

24 /s/ Broadway, et al