

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

# A Bill

HOUSE BILL 2226

4  
5 By: Representative Vess  
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## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE § 16-81-106 TO MAKE IT  
10 CONSISTENT WITH THE UNIFORM ACT ON INTRASTATE FRESH  
11 PURSUIT (ARK. CODE ANN. § 16-81-301, et seq.) AND  
12 ARKANSAS RULE OF CRIMINAL PROCEDURE 4.1; AND FOR OTHER  
13 PURPOSES."

## Subtitle

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16 "TO AMEND ARKANSAS CODE § 16-81-106 TO  
17 MAKE IT CONSISTENT WITH THE UNIFORM ACT  
18 ON INTRASTATE FRESH PURSUIT (ARK. CODE  
19 ANN. § 16-81-301, et seq.) AND ARKANSAS  
20 RULE OF CRIMINAL PROCEDURE 4.1."

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

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25 SECTION 1. Arkansas Code 16-81-106 is amended to read as follows:

26 "16-81-106. Authority to arrest.

27 (a) An arrest may be made by a certified law enforcement officer or by  
28 a private person.

29 (b) A certified law enforcement officer may make an arrest:

30 (1) In obedience to a warrant of arrest delivered to him; and

31 (2)(A) Without a warrant, where a public offense is committed in  
32 his presence, or where he has reasonable grounds for believing that the person  
33 arrested has committed a felony.

34 (B) In addition to any other warrantless arrest authority  
35 granted by law or court rule, a certified law enforcement officer may arrest a  
36 person for a misdemeanor without a warrant if the officer has probable cause

1 to believe that the person has committed battery upon another person and the  
 2 officer finds evidence of bodily harm, and the officer reasonably believes  
 3 that there is danger of violence unless the person alleged to have committed  
 4 the battery is arrested without delay.

5 (c)(1) A certified law enforcement officer who is outside his  
 6 jurisdiction, notwithstanding whether he is operating under the statewide  
 7 arrest powers defined in subsection (d)(1) of this section, may arrest,  
 8 without warrant, a person who commits an offense within the officer's presence  
 9 or view, if the offense is a felony or a misdemeanor.

10 (2)(A) A certified law enforcement officer making an arrest under  
 11 subdivision (c)(1) of this section shall, as soon as practicable after making  
 12 the arrest, notify the law enforcement agency having jurisdiction where the  
 13 arrest was made.

14 (B) The law enforcement agency shall then take custody of  
 15 the person committing the offense and take the person before a magistrate.

16 ~~(3)(d)(1)~~ Statewide arrest powers for certified law enforcement  
 17 officers will only be in effect when the officer is working outside his  
 18 jurisdiction at the request of or with the permission of the municipal or  
 19 county law enforcement agency having jurisdiction in the locale where the  
 20 officer is assisting or working by request.

21 ~~(4)(2)~~ Any law enforcement agency exercising statewide arrest  
 22 powers under subdivision (d)(1) of this section must have a written policy on  
 23 file regulating the actions of its employees relevant to law enforcement  
 24 activities outside its jurisdiction.

25 (d e) A private person may make an arrest where he has reasonable  
 26 grounds for believing that the person arrested has committed a felony.

27 (e f) A magistrate, or any judge, may orally order a certified law  
 28 enforcement officer or private person to arrest anyone committing a public  
 29 offense in the magistrate's or judge's presence, which order shall authorize  
 30 the arrest.

31 (f g) For purposes of this section, the term 'certified law enforcement  
 32 officer' includes full-time wildlife officers of the Arkansas State Game and  
 33 Fish Commission so long as they shall not exercise their authority to the  
 34 extent that any federal funds would be jeopardized.

35 (g h) The following persons employed as full-time law enforcement  
 36 officers by the federal, state, county, or municipal government, who are

1 empowered to effect an arrest with or without warrant for violations of the  
 2 United States Code and who are authorized to carry firearms in the performance  
 3 of their duties, shall be empowered to act as officers for the arrest of  
 4 offenders against the laws of this state and shall enjoy the same immunity, if  
 5 any, to the same extent and under the same circumstances as certified state  
 6 law enforcement officers:

- 7 (1) Federal Bureau of Investigation special agents;
- 8 (2) United States Secret Service special agents;
- 9 (3) Immigration and Naturalization Service special agents,  
 10 investigators, and patrol officers;
- 11 (4) United States Marshals Service deputies;
- 12 (5) Drug Enforcement Administration special agents;
- 13 (6) United States postal inspectors;
- 14 (7) United States Customs Service special agents, inspectors, and  
 15 patrol officers;
- 16 (8) United States General Services Administration special agents;
- 17 (9) United States Department of Agriculture special agents;
- 18 (10) Bureau of Alcohol, Tobacco, and Firearms special agents;
- 19 (11) Internal Revenue Service special agents and inspectors;
- 20 (12) Certified law enforcement officers of the Department of the  
 21 Interior, National Park Service; and
- 22 (13) Members of federal, state, county, municipal, and  
 23 prosecuting attorneys' drug task forces.

24 (h i) Pursuant to Article 1.124 of the Texas Code of Criminal  
 25 Procedure, any certified law enforcement officer of the State of Arkansas or  
 26 law enforcement officer as is specified in subsection (g) of this section  
 27 shall be authorized to act as a law enforcement officer in the State of Texas  
 28 with the same power, duties, and immunities of a peace officer of the State of  
 29 Texas who is acting in the discharge of an official duty:

- 30 (1) During a time in which:
  - 31 (A)(i) The law enforcement officer from the State of  
 32 Arkansas is transporting an inmate or criminal defendant from a county in  
 33 Arkansas that is on the border of Texas to a hospital or other medical  
 34 facility in a county in Texas that is on the border between the two (2)  
 35 states.
  - 36 (ii) Transportation to such a facility shall be for

1 purposes including, but not limited to, evidentiary testing of said inmate or  
2 defendant as is authorized pursuant to laws of the State of Arkansas, or for  
3 medical treatment; or

4 (B) The law enforcement officer from the State of Arkansas  
5 is returning the inmate or defendant from the hospital or facility in Texas to  
6 an adjoining county in Arkansas; and

7 (2) To the extent necessary to:

8 (A) Maintain custody of the inmate or defendant while  
9 transporting the inmate or defendant; or

10 (B) Retain custody of the inmate or defendant if the inmate  
11 or defendant escapes while being transported.”

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

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

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

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