

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/23/01 H3/29/01

## A Bill

HOUSE BILL 2513

5 By: Representative Hunt  
6  
7

### For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS  
10 CODE CONCERNING THE DEPARTMENT OF ARKANSAS STATE  
11 POLICE; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO AMEND VARIOUS SECTIONS OF THE  
15 ARKANSAS CODE CONCERNING THE DEPARTMENT  
16 OF ARKANSAS STATE POLICE.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 *SECTION 1. Arkansas Code 12-8-103 is amended to read as follows:*

22 *12-8-103. Commission's powers and duties - Restrictions.*

23 *(a) The Arkansas State Police Commission is directed to approve or*  
24 *disapprove each promotion or demotion and review each application for*  
25 *employment presented to it by the director for certification to the*  
26 *eligibility list.*

27 *(b) The Arkansas State Police Commission is directed to hear appeals*  
28 *and ~~approve or disapprove~~ of any disciplinary action taken against ~~an employee~~*  
29 *a commissioned officer by the director that results in ~~transfer or loss of~~*  
30 *rank, pay, or seniority removal, suspension, discharge, demotion, or*  
31 *disciplinary transfer. The appeal shall be heard under § 12-8-204(b).*

32 *(c) The members of the Arkansas State Police Commission are granted*  
33 *disciplinary authority equal to that of supervisory and administrative*  
34 *personnel of the department with respect to violations of rules and*  
35 *regulations committed by ~~a state police officer~~ an Arkansas State Police*  
36 *employee in the presence of a commissioner.*

1 (d)(1) In addition to its existing powers and duties, the Arkansas  
2 State Police Commission is authorized to administer oaths and to subpoena  
3 witnesses, books, records, and other documents deemed necessary for the proper  
4 investigation and performance of any powers, functions, or duties of the  
5 commission.

6 (2) All such subpoenas shall be issued by the Chairman of the  
7 Arkansas State Police Commission or such other members of the commission as  
8 authorized by a majority vote of the membership of the commission.

9 (3) Any person failing to appear or to produce the books,  
10 records, or documents subpoenaed by the Arkansas State Police Commission shall  
11 be guilty of contempt. He shall be punished by the circuit court upon petition  
12 therefor being filed with the court by the Arkansas State Police Commission,  
13 in the same manner as provided by law for punishment of contempt of the  
14 circuit court.

15 (e) The commission shall perform the duties prescribed in this chapter.  
16 For such purposes, it is authorized to promulgate and enforce reasonable and  
17 necessary rules and regulations.

18 (f) ~~However, members~~ Members of the commission shall not exercise  
19 police powers, ~~or functions,~~ neither shall they identify or equip their  
20 personal automobiles as a police car nor shall the appointment qualify a  
21 commissioner as a law enforcement officer as defined in § 12-9-102(1).

22  
23 SECTION 2. Arkansas Code 12-8-104 is amended to read as follows:  
24 12-8-104. Director.

25 (a)(1) The Governor shall appoint a Director of the Department of  
26 Arkansas State Police who shall be the executive and administrative head of  
27 the department and shall receive a salary as fixed by law.

28 (2) The director shall be of good moral character and a resident  
29 and a qualified elector of the State of Arkansas.

30 (3) In addition to all other qualifications contained herein, the  
31 director, at the time of his appointment to the position of Director of the  
32 Department of Arkansas State Police, shall either:

33 (A) Be a college graduate with at least a bachelor's degree  
34 in criminology, business administration, or a related field; or

35 (B) Have graduated from a standard high school or  
36 vocational school and have eight (8) years of previous experience in law

1 enforcement or a related field with considerable supervisory and  
2 administrative experience; or

3 (C) Have at least ten (10) years of experience in law  
4 enforcement.

5 ~~(b) The director shall appoint, with the approval of the Governor, an~~  
6 ~~Executive Secretary of the Department of Arkansas State Police, who shall~~  
7 ~~receive an annual salary to be fixed by law.~~

8 ~~(c)(b)~~ The director shall determine the number of other officers and  
9 patrolmen to be employed by the department, and they shall be paid salaries  
10 according to rank, not exceeding the salaries provided for.

11 ~~(d)(c)~~ The director shall promote such rules and regulations as are  
12 necessary for the efficient operation of the Department of Arkansas State  
13 Police and for the enforcement of such duties as are herein prescribed.

14 ~~(e)(d)~~ The director shall keep the books and records of the department,  
15 which shall be audited as the books and accounts of other state departments.

16 ~~(f)(e)~~ An annual report to the Governor and a biannual report to the  
17 General Assembly showing the activities, number of arrests, amounts collected  
18 by the department, and disposition of all cases shall be made by the director  
19 of the department.

20 ~~(g)(f)~~ The director shall have supervision and control for the purpose  
21 of discipline and proper management of all the members and employees of the  
22 Department of Arkansas State Police.

23 ~~(h)(g)~~ The Director of the Department of Arkansas State Police may  
24 establish such divisions within the ranks of the Arkansas State Police as he  
25 may deem necessary and proper.

26 ~~(i)(h)~~ The director shall have the authority to transfer, assign, and  
27 reassign from one division to another division any member of the Arkansas  
28 State Police or other employee of the department, and, subject to the approval  
29 of the Arkansas State Police Commission, to promote or demote in rank, ~~subject~~  
30 ~~to the approval of the Arkansas State Police Commission,~~ any member of the  
31 Arkansas State Police or any employee of the department whenever in his  
32 discretion such a course is necessary for the efficient operation of the  
33 department.

34 ~~(j)(i)~~ Due to the exacting and special duties of the Director of the  
35 Department of Arkansas State Police, the Director of the Department of  
36 Arkansas State Police is hereby authorized to draw an expense allowance in an

1 amount not to exceed six hundred dollars (\$600) per month.

2  
3 SECTION 3. Arkansas Code 12-8-105 is amended to read as follows:

4 12-8-105. Officers and members - Oath —~~Bond~~.

5 (a)~~(1)~~ All members and officers of the Department of Arkansas State  
6 Police shall, before entering upon their duties, take oath now provided by law  
7 for public officials.

8 ~~(2)~~(b) The director shall take the additional oath that he will  
9 not be either directly or indirectly interested in any purchase made by or for  
10 the department.

11 ~~(3)~~(c) Any violation of oath shall constitute perjury and upon  
12 conviction shall be punished accordingly.

13 ~~(4)~~(d) The oath provided for in this section shall be filed in  
14 duplicate, the original filed with the ~~Secretary of State~~ department, and a  
15 copy with the Secretary of the Arkansas State Police Commission.

16 ~~(b)~~(1) ~~The director and other officers and patrolmen of the Department~~  
17 ~~of Arkansas State Police shall each furnish a surety bond in a sum prescribed~~  
18 ~~by the commission to be approved by the chairman of the commission and filed~~  
19 ~~with its secretary.~~

20 ~~(2)~~ ~~The bonds shall be paid for out of the funds of the~~  
21 ~~Department of Arkansas State Police.~~

22  
23 SECTION 4. Arkansas Code 12-8-106(h), concerning municipal police  
24 authority on certain highways, is amended to read as follows:

25 (h)(1) Municipal police are prohibited from patrolling limited access  
26 highways, except as may be authorized by the Director of the Department of  
27 Arkansas State Police.

28 (2) Municipal police may patrol any service roads that are within  
29 their jurisdiction situated adjacent to limited access highways.

30 ~~(2)~~(3) ~~However, nothing~~ Nothing in this subsection shall prohibit  
31 a municipal police officer from responding to an accident or other emergency  
32 on a limited access highway.

33  
34 SECTION 5. Arkansas Code 12-8-107 is amended to read as follows:

35 12-8-107. Arrests and detentions.

36 ~~(a)~~ ~~It shall be the duty of the Department of Arkansas State Police,~~

1 ~~immediately upon the arrest of any person charged with violating any of the~~  
 2 ~~highway laws of this state or any rule or regulation governing the highways or~~  
 3 ~~any rule or regulation of the State Highway Commission, the Arkansas State~~  
 4 ~~Highway and Transportation Department, and the Revenue Division of the~~  
 5 ~~Department of Finance and Administration, or any other crime punishable as a~~  
 6 ~~misdemeanor, to take or summons the person before the judge of the municipal~~  
 7 ~~court, mayor, or justice of the peace having jurisdiction of the offense~~  
 8 ~~charged.~~

9 ~~(b) It shall be the duty of the Department of Arkansas State Police~~  
 10 ~~immediately upon the arrest of any person charged with committing a felony to~~  
 11 ~~place him in a county jail, and If any Arkansas State Police officer delivers~~  
 12 ~~an arrested person to a county jail for detention, it shall be the duty of the~~  
 13 ~~jailer to receive the prisoner. The police officer may notify the sheriff or~~  
 14 ~~prosecuting officer of the county in which the crime was committed of the~~  
 15 ~~arrest and detention of the prisoner and make such lawful disposition of the~~  
 16 ~~prisoner as he is directed to do by the sheriff or prosecuting officer.~~

17  
 18 SECTION 6. Arkansas Code 12-8-111 is amended to read as follows:  
 19 12-8-111. Cooperation among agencies.

20 (a) It shall be the duty of the Department of Arkansas State Police and  
 21 its officers to cooperate with ~~the heads of the several penal institutions~~  
 22 ~~other law enforcement agencies~~ of this state in the investigation and  
 23 apprehension of criminals and the prevention of crime within the state and to  
 24 use every means at their disposal in disseminating information that will more  
 25 effectively expedite the detection of crime, the apprehension and conviction  
 26 of criminals, and promote the highest possible degree of efficiency in the  
 27 enforcement of the ~~penal~~ criminal and traffic laws of the state.

28 (b) ~~The heads of the several penal institutions~~ law enforcement  
 29 agencies of the state shall furnish to the Department of Arkansas State Police  
 30 such information as they may have or shall hereafter acquire upon request of  
 31 the director of the department relating to crime and criminals and otherwise  
 32 cooperate with the department ~~for in~~ the ~~proper~~ enforcement of ~~this chapter~~  
 33 the criminal and traffic laws of this state.

34  
 35 SECTION 7. Arkansas Code 12-8-120(a), concerning the fee charged by the  
 36 Arkansas State Police for background investigations, is amended to read as

1 follows:

2 (a) The Arkansas State Police ~~Commission is~~ are hereby authorized to  
3 ~~develop the necessary rules and regulations to establish and~~ charge a fee, not  
4 to exceed twenty dollars (\$20.00), for each background investigation requested  
5 of and conducted by the Department of Arkansas State Police.

6

7 SECTION 8. Arkansas Code 12-8-123 is amended to read as follows:

8 12-8-123. Accepting surplus U.S. Department of Defense property.

9 The Director of the Department of Arkansas State Police is hereby  
10 designated as the agent of the State of Arkansas for accepting surplus or  
11 excess United States Department of Defense property for its own use or for the  
12 purpose of distributing the same to city and county law enforcement agencies  
13 which have been designated by the office of the United States Department of  
14 Defense, Coordinator for Drug Enforcement Policy and Support, to receive  
15 property for counter-narcotics operations under the provisions of Section 1208  
16 of Public Law 101-189 of fiscal year 1990-1991, of the National Defense  
17 Authorization Act.

18

19 SECTION 9. Arkansas Code 12-8-201 is amended to read as follows:

20 12-8-201. Members of police force - Selection.

21 (a) The Director of the Department of Arkansas State Police shall  
22 appoint all members of the police force, subject to approval of the Arkansas  
23 State Police Commission and the director shall select the clerical and  
24 stenographic force of the department.

25 (b) The commission shall promulgate rules and regulations ~~pertaining to~~  
26 ~~civil service~~ setting forth the minimum qualifications for employment as an  
27 Arkansas State Police officer and prescribing the manner of examination of  
28 applicants for the position.

29 (c) The director shall receive all applications for positions as  
30 Arkansas State Police officers and submit them to the commission for  
31 examination as to the physical fitness and mental qualifications of the  
32 applicants, and for such other examinations as ~~the commission may deem proper~~  
33 provided for by the commission's rules and regulations.

34 (d) All applications and examinations shall be in writing and shall be  
35 kept as a permanent file by the commission for not less than five (5) years.

36 (e) A list containing the names of all applicants who possess the

1 necessary qualifications as determined by the commission shall be certified to  
2 the director. From this list, he shall make the final selection for the  
3 appointments, and any vacancy occurring in the Department of Arkansas State  
4 Police shall be filled from this list.

5  
6 SECTION 10. Arkansas Code 12-8-202 is amended to read as follows:

7 12-8-202. Qualifications of members.

8 (a) All applicants for positions as Arkansas State Police shall be  
9 citizens of the United States; however, said applicants must become citizens  
10 of the State of Arkansas in order to commence employment. Any applicant shall  
11 be employed strictly upon an efficiency basis, irrespective of race, gender,  
12 religion, or political affiliation.

13 (b) No person shall be eligible for a position as a commissioned member  
14 of the Department of Arkansas State Police who has been convicted of a felony  
15 in any state or federal court, who is prohibited by state or federal law from  
16 possessing a weapon, or who is known to be a person of immoral character.

17 (c) ~~All~~ Arkansas State Police shall ~~be chosen along the lines of civil~~  
18 ~~service and shall~~ not be appointed as patronage or political favor.

19  
20 SECTION 11. Arkansas Code 12-8-203 is amended to read as follows:

21 12-8-203. Probationary period.

22 Each person who is selected as a member of the ~~state police force~~  
23 Arkansas State Police shall be, for a period of one (1) year, a probationer  
24 and during that time may be discharged by the Director of the Department of  
25 Arkansas State Police with the approval of the Arkansas State Police  
26 Commission, ~~except as provided in § 12-8-204~~ with or without cause, and  
27 provided further, that the probationary period shall not apply to those who  
28 have theretofore served a probationary period.

29  
30 SECTION 12. Arkansas Code 12-8-204 is amended to read as follows:

31 12-8-204. Tenure - Removal, suspension, or discharge.

32 (a) The members of the Department of Arkansas State Police shall hold  
33 their offices until and unless removed for cause.

34 (b) Should the Director of the Department of Arkansas State Police deem  
35 it necessary to remove, suspend, ~~or~~ discharge, demote, or transfer for  
36 disciplinary reasons any Department of Arkansas State Police officer, he shall

1 do so by written notice.

2 (c) Any Department of Arkansas State Police officer so removed,  
3 suspended, ~~or discharged, demoted, or transferred~~ shall have the right of a  
4 ~~hearing before~~ appeal to the Arkansas State Police Commission, provided that  
5 notice of the ~~hearing or~~ appeal shall be lodged with the commission within ten  
6 (10) days after notice to the officer of his discharge, removal, ~~or~~  
7 suspension, demotion or disciplinary transfer. When so filed, the appeal shall  
8 be heard and determined by the commission within a reasonable time from the  
9 date the appeal is filed with the commission.

10 (d) An appeal may be taken to the Circuit Court of Pulaski County from  
11 any order of the commission discharging, removing, ~~or suspending, demoting, or~~  
12 transferring for disciplinary reasons any member of the Department of Arkansas  
13 State Police force, provided the appeal is perfected within thirty (30) days  
14 from the date of the final order, made by the commission, and such appeal  
15 shall be heard by the circuit court without the introduction of any further  
16 testimony.

17

18 SECTION 13. Arkansas Code 12-8-206 is repealed.

19 ~~12-8-206. Troopers first class.~~

20 ~~(a) There is created a class for employment within the Department of~~  
21 ~~Arkansas State Police to be identified as "trooper first class".~~

22 ~~(b) To become eligible for classification as a trooper first class, a~~  
23 ~~state police trooper:~~

24 ~~(1) Shall have served for a period of at least five (5) years as a~~  
25 ~~trooper in the Department of Arkansas State Police;~~

26 ~~(2) Must have never received a formal resolution of reprimand~~  
27 ~~from the Arkansas State Police Commission. However, the commission shall~~  
28 ~~review the file of any trooper receiving a resolution of reprimand at least~~  
29 ~~one (1) time per year to determine if the disqualification should be removed.~~

30

31 SECTION 14. Arkansas Code 12-8-207 is repealed.

32 ~~12-8-207. Corporals.~~

33 ~~(a) There is created a class for employment within the Department of~~  
34 ~~Arkansas State Police to be identified as "corporal".~~

35 ~~(b) To become eligible for classification as a corporal, a state police~~  
36 ~~trooper shall have served for a period of at least ten (10) years as a trooper~~



1 ~~or trooper first class or both in the Department of Arkansas State Police.~~

2  
3 SECTION 15. Arkansas Code 12-8-208 is repealed.

4 ~~12-8-208. State police radio operators—Classification.~~

5 ~~The Arkansas State Police Commission shall establish a method of~~  
6 ~~classifying state police radio operators whereby salaries and incidental~~  
7 ~~benefits shall be based upon longevity, tenure, and service.~~

8  
9 SECTION 16. Arkansas Code 12-8-209 is amended to read as follows:  
10 12-8-209. Salaries, expenses, and allowances.

11 (a) In addition to the salaries authorized in this section, the  
12 officers, patrolmen, and other employees of the Department of Arkansas State  
13 Police shall be entitled to and receive actual expenses incurred by them when  
14 on duty away from home.

15 (b)(1)(A)(i) The amounts payable for uniform allowance shall not exceed  
16 one thousand five hundred dollars (\$1,500) per annum for each state police  
17 colonel, lieutenant colonel, major, captain, lieutenant, sergeant, corporal,  
18 trooper first class, drug diversion manager, drug diversion investigator, and  
19 trooper.

20 (ii) However, each ~~state police trooper~~ Arkansas  
21 State Police officer in his first year of service may receive up to, but not  
22 to exceed, two thousand dollars (\$2,000) for uniform allowance during the  
23 first year.

24 (B) If funds are available, the Director of the Department  
25 of Arkansas State Police may increase the uniform allowance to not more than  
26 two thousand four hundred dollars (\$2,400) per annum.

27 (2) Each telecommunications supervisor, telecommunications  
28 operator, driver's license examiner, and driver's license or commercial  
29 driver's license coordinator may receive up to, but shall not exceed, one  
30 thousand dollars (\$1,000) per annum for uniform allowance.

31 (c) The amounts payable for special travel shall not exceed two  
32 thousand dollars (\$2,000) per annum for each state police colonel, lieutenant  
33 colonel, major, captain, lieutenant, sergeant, corporal, trooper first class,  
34 trooper, electronic technician, communication supervisor, drug diversion  
35 manager, and drug diversion investigator.

36

1 SECTION 17. Arkansas Code 12-8-210 is amended to read as follows:

2 12-8-210. Insurance - Medical and hospital.

3 (a) The Department of Arkansas State Police is authorized and directed  
4 to obtain a policy or contract of medical and hospital insurance, or to  
5 establish a self-insurance fund in lieu thereof, to provide medical and  
6 hospital insurance for all uniformed employees of the department. The  
7 department shall pay the premium, fee, or other costs for the policy or  
8 contract, or payments into a self-insurance fund, from funds appropriated to  
9 the department for personal service matching or which may be specifically  
10 appropriated for that purpose.

11 (b) The Department of Arkansas State Police is authorized to provide  
12 hospitalization and medical services coverage under a group health insurance  
13 program or may, in lieu thereof, provide a coverage for hospitalization and  
14 medical insurance services under a self-insurance program established by the  
15 department, for the ~~wives~~ spouses and dependents of uniformed personnel of the  
16 Department of Arkansas State Police and to pay the premium thereon, or  
17 payments into the self-insurance fund, from funds appropriated for that  
18 purpose.

19 (c) In the event the Department of Arkansas State Police, acting  
20 pursuant to a resolution adopted by the Arkansas State Police Commission  
21 therefor, exercises the option to establish a self-insurance program, this  
22 program shall provide hospitalization and medical services coverage for  
23 uniformed employees of the department and for the spouses and dependents of  
24 uniformed personnel of the department, as authorized in this section, and  
25 shall be operated in accordance with policies, rules, procedures, and benefits  
26 prescribed by the Arkansas State Police Commission.

27 (d) Members of the Department of Arkansas State Police who retire and  
28 receive retirement benefits under the State Police Retirement System after  
29 July 1, 1985, shall be eligible to participate in the group health self-  
30 insurance program established by the Arkansas State Police Commission for  
31 uniformed personnel, and for their ~~wives~~ spouses and dependents, in the same  
32 manner and under the same conditions as provided in §§ 21-5-410 - 21-5-412  
33 which authorize retired state employees receiving retirement benefits under  
34 the Arkansas Public Employees' Retirement System to participate in the state  
35 employees' hospitalization and medical insurance program.

36

1 SECTION 18. Arkansas Code 12-8-212 is amended to read as follows:

2 12-8-212. Death benefits.

3 (a) When any police officer of the Department of Arkansas State Police,  
4 ~~or any police officer of the Arkansas State Highway and Transportation~~  
5 ~~Department or its successor within the Department of Arkansas State Police~~  
6 shall have lost his life in the course of employment, then upon satisfactory  
7 proof of such fact made to the Arkansas State Police Commission, a death  
8 benefit in the sum of ~~five thousand dollars (\$5,000)~~ twenty-five thousand  
9 dollars (\$25,000) shall be paid to the ~~wife~~ spouse of the deceased officer. In  
10 case no ~~wife~~ spouse survives ~~him~~ the officer, the death benefit shall be  
11 distributed equally among ~~his~~ the officer's children. The sum of ~~five thousand~~  
12 ~~dollars (\$5,000)~~ twenty-five thousand dollars (\$25,000) shall be paid from the  
13 Department of Arkansas State Police Fund.

14 (b) For the purposes of this section, the term "in the course of  
15 employment" shall mean at any time when an officer is on duty as a police  
16 officer or is performing an act ordinarily performed by a police officer  
17 although such officer is not actually on duty at the time.

18 (c) Nothing herein contained shall be construed to limit or extinguish  
19 the right of any police officer or ~~his~~ the officer's survivors to any other  
20 benefits provided by law.

21  
22 SECTION 19. Arkansas Code 22-3-404 is amended to read as follows:

23 22-3-404. Enforcement.

24 (a) In order that the provisions of this subchapter might be enforced,  
25 ~~the Director of the State Police is directed to assign at least one (1) State~~  
26 ~~Police officer to permanent duty on the State Capitol grounds between the~~  
27 ~~hours of 7:00 a.m. and 6:00 p.m. on all days except Saturdays, Sundays, and~~  
28 ~~holidays~~ the Director of the Arkansas State Police may assign one (1) or more  
29 State Police Officers to the State Capitol and grounds, which may include  
30 assignments for sessions of the General Assembly, and the Secretary of State  
31 is directed to assign one (1) or more State Capitol Police officers. It shall  
32 be the responsibility of the Secretary of State to assure that at least one  
33 (1) certified law enforcement officer is on duty on the State Capitol grounds  
34 twenty-four (24) hours per day, seven (7) days per week.

35 (b) ~~Each State Police officer and State Capitol Police officer so~~  
36 assigned is authorized to issue, upon determining a violation, a uniform

1 *traffic citation which shall be returnable in the Pulaski County Municipal*  
2 *Court.*

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*/s/ Hunt*

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