

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 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: S3/17/03 H4/4/03

# A Bill

SENATE BILL 732

5 By: Senators Wilkinson, Salmon, Trusty, J. Bookout, Baker  
6  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 12-63-202 TO  
10 PROVIDE THAT POLICE OFFICERS OF THE ARKANSAS  
11 MILITARY DEPARTMENT MAY ACT AS LAW ENFORCEMENT  
12 OFFICERS ON FEDERAL OR STATE PROPERTY LOCATED  
13 ADJOINING A MILITARY RESERVATION; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

16 TO PROVIDE THAT POLICE OFFICERS OF THE  
17 ARKANSAS MILITARY DEPARTMENT MAY ACT AS  
18 LAW ENFORCEMENT OFFICERS ON FEDERAL OR  
19 STATE PROPERTY LOCATED ADJOINING A  
20 MILITARY RESERVATION.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 *SECTION 1. Arkansas Code § 12-63-202(a), regarding the appointment,*  
27 *qualifications, and removal of police officers by the Adjutant General, is*  
28 *amended to read as follows:*

29 *(a)(1) The Adjutant General of Arkansas, as custodian of military*  
30 *reservations identified in § 12-63-201, ~~is authorized and empowered to~~ may*  
31 *designate and appoint one (1) or more employees as a police officer or*  
32 *officers for each military reservation, who ~~shall be and are constituted~~*  
33 *peace officers under the laws of this state.*

34 *(2) The police officers appointed under this section ~~and~~ shall*  
35 *have ~~and possess~~ all the powers provided by law for city police, county*  
36 *sheriffs, and state police officers, to be exercised as required for*



1 maintaining the peace, order, the regulation of traffic, and the security of  
2 state and federal property on the following:

3 (A) ~~the~~ The military reservation; and

4 (B) On other real property that:

5 (i) Adjoins a military reservation;

6 (ii) Is owned, leased, or otherwise under the legal  
7 control of an instrumentality of the United States or an instrumentality of  
8 the State of Arkansas; and

9 (iii) The Adjutant General has undertaken to provide  
10 police or security services.

11  
12 SECTION 2. Arkansas Code § 12-63-203 is amended to read as follows:

13 12-63-203. Police officers - Powers and duties.

14 (a)(1) A police officer appointed ~~pursuant to the authority contained~~  
15 ~~in~~ under this subchapter shall, except to the extent otherwise limited by the  
16 Adjutant General<sub>;</sub>

17 (A) ~~protect~~ Protect property<sub>;</sub>

18 (B) ~~preserve~~ Preserve and maintain proper order and  
19 decorum<sub>;</sub>

20 (C) ~~prevent~~ Prevent unlawful assemblies and disorderly  
21 conduct<sub>;</sub>

22 (D) ~~exclude~~ Exclude and eject persons detrimental to the  
23 well-being of the military reservation<sub>;</sub>

24 (E) ~~prevent~~ Prevent trespasses<sub>;</sub> and

25 (F) ~~regulate~~ Regulate the operation and parking of motor  
26 vehicles upon and in all of the grounds, buildings, improvements, streets,  
27 alleys, and sidewalks of the military reservation.

28 (2) All of the duties of police officers listed in subsection  
29 (a)(1) of this section apply equally on other real property that has all of  
30 the following characteristics:

31 (a) Adjoins a military reservation;

32 (b) Is owned, leased, or otherwise under the legal control  
33 of an instrumentality of the United States or an instrumentality of the State  
34 of Arkansas; and

35 (c) Upon which the Adjutant General has undertaken to  
36 provide police or security services.

1 (b)(1) ~~He~~ The police officer shall have and may exercise police  
 2 supervision on the following:

3 (A) ~~military reservation~~ Military reservations;

4 (B) Other real property that:

5 (i) Adjoins a military reservation;

6 (ii) Is owned, leased, or otherwise under the legal  
 7 control of an instrumentality of the United States or an instrumentality of  
 8 the State of Arkansas; and

9 (iii) Upon which the Adjutant General has undertaken  
 10 to provide police or security services.

11 (2) The police officer may, and is authorized as a peace  
 12 officer:

13 (A) ~~to arrest~~ Arrest, with or without warrant, any person  
 14 upon or in the areas described ~~above~~ in this subsection (b) who is or is  
 15 reasonably believed to be committing offense against any law of the State of  
 16 Arkansas on the military reservation; and

17 (B) ~~to deliver~~ Deliver that person before any court of  
 18 competent jurisdiction to be dealt with according to law. ~~and~~

19 (3) The police officer shall have the authority to may summon a  
 20 posse comitatus, if necessary.

21  
 22 SECTION 3. Arkansas Code 12-63-205 is amended to read as follows:

23 12-63-205. Police officers - Liability.

24 (a) ~~Any A~~ A police officer ~~or officers so~~ appointed and designated under  
 25 this subchapter, and any other employees ~~so~~ authorized under this subchapter,  
 26 ~~executing who perform~~ the duties ~~delegated to them pursuant to~~ under this  
 27 subchapter, ~~shall are~~ are not be personally liable for injuries to persons or for  
 28 ~~damages~~ damage to property ~~dealt with~~ that occurs while acting within the  
 29 scope of their ~~authorized~~ authority on behalf of the State of Arkansas and on  
 30 the military reservation.

31 (b) A police officer appointed and designated under this subchapter,  
 32 and any other employees authorized under this subchapter, who perform the  
 33 duties under this subchapter are not personally liable for injuries to  
 34 persons or for damage to property that occurs while acting within the scope  
 35 of their authority on behalf of the State of Arkansas on other real property  
 36 that has all of the following characteristics:

- 1                   (1) Adjoins a military reservation;
- 2                   (2) Is owned, leased, or otherwise under the legal control of an
- 3 instrumentality of the United States or an instrumentality of the State of
- 4 Arkansas; and
- 5                   (3) Upon which the Adjutant General has undertaken to provide
- 6 police or security services.

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8           SECTION 4. Arkansas Code § 12-63-206(a), regarding the jurisdiction of

9 military law enforcement officers, is amended to read as follows:

10           (a) The appointment or designation of any police officer or officers

11 under the authority of this subchapter shall not be deemed to supersede in

12 any way the present authority of the state police, that of the county

13 sheriffs, or that of the peace officers of the jurisdiction in which the

14 military reservation, or portions thereof, shall be located, and on other

15 real property that meets all of the following characteristics:

- 16                   (1) Adjoins a military reservation;
- 17                   (2) Is owned, leased, or otherwise under the legal control of an
- 18 instrumentality of the United States or an instrumentality of the State of
- 19 Arkansas; and
- 20                   (3) Upon which the Adjutant General has undertaken to provide
- 21 police or security services.

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23           SECTION 5. EMERGENCY CLAUSE. It is found and determined by the

24 General Assembly of the State of Arkansas that the Adjutant General has been

25 tasked by the United States and agencies of the State of Arkansas with the

26 responsibility of providing security services and police protection to real

27 properties adjoining military reservations that are owned by or under the

28 control of instrumentalities of the United States and of the State of

29 Arkansas; and that this act is immediately necessary to preserve domestic

30 peace and provide security in the State of Arkansas due to the increased

31 threats of terrorism in our country since September 11, 2001. Therefore, an

32 emergency is declared to exist and this act being immediately necessary for

33 the preservation of the public peace, health, and safety shall become

34 effective on:

- 35                   (1) The date of its approval by the Governor;
- 36                   (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the  
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is  
4 overridden, the date the last house overrides the veto.

5 /s/ Wilkinson, et al

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