

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/17/05 S3/7/05

A Bill

HOUSE BILL 1012

5 By: Representatives J. Hutchinson, T. Hutchinson, Lamoureux, Childers
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7

For An Act To Be Entitled

9 AN ACT TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF
10 ARKANSAS STATE POLICE TO NEGOTIATE A MEMORANDUM
11 OF UNDERSTANDING CONCERNING THE ENFORCEMENT OF
12 FEDERAL IMMIGRATION LAWS; TO AUTHORIZE CERTAIN
13 LAW ENFORCEMENT OFFICERS TO MAKE AN ARREST TO
14 ENFORCE FEDERAL IMMIGRATION LAWS; AND FOR OTHER
15 PURPOSES.
16

Subtitle

17 AN ACT TO AUTHORIZE THE ENFORCEMENT OF
18 FEDERAL IMMIGRATION LAWS BY CERTAIN
19 POLICE OFFICERS.
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 12-8-104 is amended to read as follows:
26 12-8-104. Director.

27 (a)(1)(A) After conferring with the members of the Arkansas State
28 Police Commission, the Governor shall appoint a Director of the Department of
29 Arkansas State Police who shall be the executive and administrative head of
30 the Department of Arkansas State Police and shall receive a salary as fixed
31 by law.

32 (B) The director shall serve at the pleasure of the
33 Governor.

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

36 (3) In addition to all other qualifications contained in this



1 section, the director, at the time of appointment to the position of
2 director, shall either:

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

5 (B) Have graduated from a standard high school or
6 vocational school and have eight (8) years of previous experience in law
7 enforcement or a related field with considerable supervisory and
8 administrative experience; or

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

11 (b) The director shall determine the number of other officers and
12 patrol personnel to be employed by the department, and they shall be paid
13 salaries according to rank, not exceeding the salaries provided for.

14 (c) The director shall promote such rules and regulations as are
15 necessary for the efficient operation of the department and for the
16 enforcement of such duties as are prescribed in this chapter.

17 (d) The director shall keep the books and records of the department,
18 which shall be audited as the books and accounts of other state departments.

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

23 (f)(1) The director shall have supervision and control for the purpose
24 of discipline and proper management of all the members and employees of the
25 department.

26 (2)(A) The Director of the Department of Arkansas State Police
27 may designate that some or all employees of the Department of Arkansas State
28 Police be trained pursuant to a memorandum of understanding between the State
29 of Arkansas and the United States Department of Justice or the federal
30 Department of Homeland Security concerning the enforcement of federal
31 immigration laws on federal highways and interstates in the State of
32 Arkansas.

33 (B) The amount spent for training employees of the Department of
34 Arkansas State Police under the memorandum of understanding between the State
35 of Arkansas and the United States Department of Justice or the federal
36 Department of Homeland Security must be paid in accordance with the

1 provisions of § 12-8-118.

2 (3)(A) Upon request of the Director of State Highways and
3 Transportation, the Director of the Department of Arkansas State Police may
4 designate certified law enforcement officers from the Arkansas Highway Police
5 Division of the Arkansas State Highway and Transportation Department to be
6 trained under the terms of the memorandum of understanding described in
7 subdivision (f)(2) of this section.

8 (B) The amount spent for training certified law
9 enforcement officers from the Arkansas Highway Police Division of the
10 Arkansas State Highway and Transportation Department shall be borne by the
11 Arkansas State Highway and Transportation Department.

12 (g) The director may establish such divisions within the ranks of the
13 department as the director may deem necessary and proper.

14 (h) The director shall have the authority to transfer, assign, and
15 reassign from one division to another division any member of the department
16 or other employee of the department and, subject to the approval of the
17 commission, to promote or demote in rank any member of the department
18 whenever in the director's discretion such a course is necessary for the
19 efficient operation of the department.

20 (i) Due to the exacting and special duties of the director, the
21 director is authorized to draw an expense allowance in an amount not to
22 exceed six hundred dollars (\$600) per month.

23 (j)(1) Subject to the provisions of subsection (f) of this section,
24 the Director of the Department of Arkansas State Police has the authority to
25 negotiate the terms of a memorandum of understanding between the State of
26 Arkansas and the United States Department of Justice or the federal
27 Department of Homeland Security concerning the enforcement of federal
28 immigration laws.

29 (2)(A) The memorandum of understanding described in subdivision
30 (j)(1) of this section must be signed on behalf of the State of Arkansas by
31 the Director of the Department of Arkansas State Police, the Governor, and
32 the Director of Law Enforcement Standards and Training.

33 (B) Prior to the signing provided for by subdivision
34 (j)(2)(A) of this section, the memorandum of understanding shall be reviewed
35 by the Legislative Council.

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1 SECTION 2. Arkansas Code § 12-9-104 is amended to add an additional
2 subdivision to read as follows:

3 12-9-104. Commission's powers generally.

4 In addition to powers conferred upon the Arkansas Commission on Law
5 Enforcement Standards and Training elsewhere in this subchapter, the
6 commission shall have power to:

7 (1) Promulgate rules and regulations for the administration of
8 this subchapter. The rules and regulations promulgated by the commission
9 shall not go into full force and effect until the commission seeks the advice
10 of the Legislative Council and the House Interim Committee on Public Health,
11 Welfare, and Labor and the Senate Interim Committee on Public Health,
12 Welfare, and Labor or appropriate subcommittees thereof;

13 (2) Require the submission of reports and information by police
14 departments within this state;

15 (3) Establish minimum selection and training standards for
16 admission to employment as a law enforcement officer. The standards may take
17 into account different requirements for urban and rural areas, full-time and
18 part-time employment, and specialized police personnel. However, the minimum
19 selection and training standards for admission to employment as a law
20 enforcement officer shall not apply to volunteer police auxiliary officers,
21 to volunteer officers of sheriffs' mounted patrols, and to honorary police
22 officer commissions issued by appropriate police authority;

23 (4) Establish minimum curriculum requirements for preparatory,
24 in-service, and advanced courses and programs of schools operated by or for
25 the state and political subdivisions for the specific purpose of training
26 recruits for law enforcement officers;

27 (5) Consult and cooperate with counties, municipalities,
28 agencies of this state, other governmental agencies, and with universities,
29 colleges, junior colleges, community colleges, and other institutions or
30 organizations concerning the development of police training schools and
31 programs or courses of instruction;

32 (6) Approve institutions and facilities to be used by or for the
33 state or any political subdivision thereof for the specific purpose of
34 training law enforcement officers and recruits;

35 (7) Adopt rules and minimum standards for schools which shall
36 include, but not be limited to, the following:

1 (A) The curriculum for:

2 (i) Probationary police officers, which shall be
3 offered by all certified schools, and which shall include, but shall not be
4 limited to, courses on arrest, search and seizure, civil rights, human
5 relations, race relations and sensitivity, criminal law, law of criminal
6 procedure, vehicle and traffic law, traffic control, accident investigation,
7 techniques of obtaining physical evidence, court testimonies, statements,
8 reports, firearms training, first aid, handling of juvenile offenders,
9 recognition of mental conditions which require immediate assistance and
10 methods to safeguard and provide assistance to a person in need of mental
11 treatment, law of evidence, and physical training; and

12 (ii) Permanent police officers, which shall include,
13 but shall not be limited to, refresher and in-service training in any of the
14 courses listed in subdivision (7)(A)(i), advance courses in any of the
15 subjects listed in subdivision (7)(A)(i), training for supervisory personnel,
16 and specialized training in subjects and fields to be selected by the board;

17 (B) Minimum courses of study, attendance requirements, and
18 equipment requirements;

19 (C) Minimum requirements for instructors; and

20 (D) Minimum basic training requirements which a
21 probationary police officer must satisfactorily complete before being
22 eligible for permanent employment as a law enforcement officer;

23 (8) Make and encourage studies of any aspect of police
24 administration;

25 (9) Conduct and stimulate research by public and private
26 agencies designed to improve police administration and law enforcement;

27 (10) Make recommendations concerning matters within its purview
28 pursuant to this subchapter;

29 (11) Make evaluations as may be necessary to determine if
30 governmental units are complying with the provisions of this subchapter;

31 (12) Adopt and amend bylaws, consistent with law, for its
32 internal management and control; ~~and~~

33 (13) Enter into contracts or do such things as may be necessary
34 and incidental to the administration of this subchapter; and

35 (14) Facilitate training of certified law enforcement officers
36 pursuant to a memorandum of understanding between the State of Arkansas and

1 the United States Department of Justice or the federal Department of Homeland
2 Security concerning the enforcement of federal immigration laws.

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4 SECTION 3. Arkansas Code § 12-9-107, concerning training programs
5 established by the Arkansas Commission on Law Enforcement Standards and
6 Training, is amended to add an additional subsection to read as follows:

7 (e) The expenses of attending training provided pursuant to a
8 memorandum of understanding between the State of Arkansas and the United
9 States Department of Justice or the federal Department of Homeland Security
10 will be paid in accordance with the provisions of § 12-8-104.

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12 SECTION 4. Arkansas Code § 16-81-106, concerning the authority of
13 certified law enforcement officers to arrest, is amended to add an additional
14 subsection to read as follows:

15 (i) A certified law enforcement officer trained pursuant to a
16 memorandum of understanding between the State of Arkansas and the United
17 States Department of Justice or the federal Department of Homeland Security
18 is authorized to make an arrest in order to enforce federal immigration laws.

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20 */s/ J. Hutchinson*
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