

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

# A Bill

HOUSE BILL 1012

5 By: Representatives J. Hutchinson, T. Hutchinson, Lamoureux  
6  
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.  
20  
21  
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.

32 (B) The amount spent for training employees of the  
 33 Department of Arkansas State Police under the memorandum of understanding  
 34 between the State of Arkansas and the United States Department of Justice or  
 35 the federal Department of Homeland Security must be paid in accordance with  
 36 the provisions of § 12-8-118.

1           (3)(A) Upon request by a town, city, or county, the Director of  
2 the Department of Arkansas State Police may designate certified law  
3 enforcement officers from the town, city, or county to be trained under the  
4 terms of the memorandum of understanding described in subdivision (f)(2) of  
5 this section.

6           (B) The amount spent for training certified law  
7 enforcement officers from a town, city, or county under the terms of the  
8 memorandum of understanding described in subdivision (f)(2) of this section  
9 shall be borne by the town, city, or county that requested the training.

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

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

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

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

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

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

34           12-9-104. Commission’s powers generally.

35           In addition to powers conferred upon the Arkansas Commission on Law  
36 Enforcement Standards and Training elsewhere in this subchapter, the

1 commission shall have power to:

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

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

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

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

22 (5) Consult and cooperate with counties, municipalities,  
 23 agencies of this state, other governmental agencies, and with universities,  
 24 colleges, junior colleges, community colleges, and other institutions or  
 25 organizations concerning the development of police training schools and  
 26 programs or courses of instruction;

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

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

32 (A) The curriculum for:

33 (i) Probationary police officers, which shall be  
 34 offered by all certified schools, and which shall include, but shall not be  
 35 limited to, courses on arrest, search and seizure, civil rights, human  
 36 relations, race relations and sensitivity, criminal law, law of criminal

1 procedure, vehicle and traffic law, traffic control, accident investigation,  
 2 techniques of obtaining physical evidence, court testimonies, statements,  
 3 reports, firearms training, first aid, handling of juvenile offenders,  
 4 recognition of mental conditions which require immediate assistance and  
 5 methods to safeguard and provide assistance to a person in need of mental  
 6 treatment, law of evidence, and physical training; and

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

12 (B) Minimum courses of study, attendance requirements, and  
 13 equipment requirements;

14 (C) Minimum requirements for instructors; and

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

18 (8) Make and encourage studies of any aspect of police  
 19 administration;

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

22 (10) Make recommendations concerning matters within its purview  
 23 pursuant to this subchapter;

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

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

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

30 (14) Facilitate training of certified law enforcement officers  
 31 pursuant to a memorandum of understanding between the State of Arkansas and  
 32 the United States Department of Justice or the federal Department of Homeland  
 33 Security concerning the enforcement of federal immigration laws.

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 35 SECTION 3. Arkansas Code § 12-9-107, concerning training programs  
 36 established by the Arkansas Commission on Law Enforcement Standards and

1 Training, is amended to add an additional subsection to read as follows:

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

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

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