

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1825

5 By: Representative Harrelson
6
7

For An Act To Be Entitled

9 AN ACT TO ALLOW PUBLIC SCHOOL DISTRICTS TO
10 ESTABLISH CAMPUS POLICE DEPARTMENTS; TO AUTHORIZE
11 TRAINING OF CAMPUS POLICE OFFICERS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO ALLOW PUBLIC SCHOOL DISTRICTS TO
15 ESTABLISH CAMPUS POLICE DEPARTMENTS AND
16 TO AUTHORIZE TRAINING OF CAMPUS POLICE
17 OFFICERS.
18
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 6, Chapter 5 is amended to add an
24 additional subchapter to read as follows:

SUBCHAPTER 7 – CAMPUS POLICE DEPARTMENTS

6-5-701. Title.

28 This subchapter shall be known and may be cited as the "Arkansas Public
29 School Law Enforcement Act".
30

6-5-702. Definitions.

32 As used in this subchapter:

33 (1) "Campus" means the real property, buildings, and other
34 improvements in this state locally owned, leased, rented, or controlled by a
35 public school district;

36 (2) "Campus police officer" means an individual holding a



1 commission from and employed or contracted by a public school district under
 2 this subchapter;

3 (3) "Certification" means certification by the Arkansas
 4 Commission on Law Enforcement Standards and Training that an individual meets
 5 the prescribed minimum standards for employment established pursuant to law
 6 and rules of the Arkansas Commission on Law Enforcement Standards and
 7 Training;

8 (4) "Commission" means a certificate of appointment by the
 9 governing board of a public school district of an individual certified as a
 10 campus police officer;

11 (5) "Governing board" means the local school board of the public
 12 school district that determines management policy and has responsibility for
 13 the general government of the public school district; and

14 (6) "Public school district" means any public school district in
 15 the state serving students in a kindergarten through grade twelve (K-12)
 16 program or a grade one through grade twelve (1-12) program.

17
 18 6-5-703. Establishment – Jurisdiction.

19 (a)(1) A governing board of a public school district with a student
 20 population of at least two thousand five hundred (2,500) is authorized to
 21 establish a campus police department under this subchapter.

22 (2) A governing board of a public school district described in
 23 subdivision (a)(1) of this section may employ or contract with a campus
 24 police officer to work in a campus police department.

25 (b)(1) The jurisdiction of a campus police officer includes the
 26 highways, streets, roads, alleys, easements, and other public ways
 27 immediately adjacent to the campus or campuses of the public school district
 28 that employed or contracted with the campus police officer and any other
 29 areas authorized under § 6-5-706.

30 (2) The delineation of jurisdiction under subdivision (b)(1) of
 31 this section shall not limit the completion of any necessary law enforcement
 32 activities that began within the jurisdiction of the campus police officer or
 33 are in compliance with an agreement made under § 6-5-706.

34 (3)(A) In the absence of an agreement under § 6-5-706, only
 35 those law enforcement activities that began on the campus or campuses of the
 36 public school district that employed or contracted with the campus police

1 officer may be completed off campus.

2 (B) The law enforcement activities described in
 3 subdivision (b)(3)(A) of this section shall be:

4 (i) Completed in a timely manner; and

5 (ii) Coordinated with the local law enforcement
 6 agency having jurisdiction in the off-campus area.

7 (4)(A) A campus police officer shall have jurisdiction in other
 8 locations pursuant to an agreement authorized under § 6-5-706.

9 (B) An agreement under § 6-5-706 may authorize the
 10 executive head of a law enforcement agency to request assistance from a
 11 campus police officer pursuant to the agreement.

12 (5) A campus police officer shall have the same power,
 13 liability, and immunity as a sheriff or municipal police officer within the
 14 sheriff's or municipal police officer's jurisdiction.

15 (c) As limited by law, this subchapter, and the governing board of a
 16 public school district, a campus police officer shall have the authority to
 17 enforce a:

18 (1) State criminal statute;

19 (2) Federal law;

20 (3) Municipal ordinance; and

21 (4) Rule or regulation of the public school district employing
 22 or contracting with the campus police officer.

23 (d) As limited by law, this subchapter, and the governing board of a
 24 public school district, the campus police department shall have the same
 25 authority as a municipal police department.

26
 27 6-5-704. Requirements – Duties – Certification revocation.

28 (a) The governing board of a public school district may designate a
 29 uniform, a badge, and an insignia to be worn by a campus police officer and
 30 may designate an insignia to be displayed on a vehicle or on other equipment
 31 of a campus police department.

32 (b) A campus police department shall use the following words or
 33 phrases, alone or in any combination, in conjunction with the uniform, badge,
 34 and insignia, or on a vehicle utilized by the campus police department:

35 (1) Campus police;

36 (2) Campus public safety department;

- 1 (3) Campus police department;
- 2 (4) Campus public safety officer; or
- 3 (5) Any standardized title such as director, chief, captain,
- 4 lieutenant, sergeant, corporal, or patrol officer.

5 (c)(1) Upon appointment, a campus police officer shall be given a
 6 commission and a photo identification that must be carried while on duty to
 7 evidence the campus police officer's appointment and authority.

8 (2) The form of the commission described in subdivision (c)(1)
 9 of this section shall be prescribed by the governing board of the public
 10 school district employing or contracting with the campus police officer.

11 (d) An individual who is not a campus police officer but is employed
 12 by a governing board of a public school district that has established a
 13 campus police department shall not be permitted to wear a uniform, a badge,
 14 or an insignia or receive a commission or a photo identification of the type
 15 provided to a campus police officer under this section.

16 (e)(1) The commission of a campus police officer may be suspended or
 17 revoked by the executive head of the public school district's campus police
 18 department for any reason.

19 (2) The Arkansas Commission on Law Enforcement Standards and
 20 Training may revoke or suspend certification for cause related to the campus
 21 police officer's inability to exercise the powers of the certification in the
 22 interest of public safety upon conviction of the campus police officer for
 23 any:

- 24 (A) Felony;
- 25 (B) Offense involving a minor as a victim;
- 26 (C) Offense involving the possession, use, distribution,
- 27 or sale of a controlled substance;
- 28 (D) Offense involving a firearm, or
- 29 (E) Offense involving moral turpitude.

30 (f) The certification of a campus police officer no longer employed by
 31 a governing board of a public school district, except a campus police officer
 32 who is retiring, shall be relinquished to the Arkansas Commission on Law
 33 Enforcement Standards and Training at the time of cessation of the campus
 34 police officer's employment.

35 (g)(1) When a certification or commission of a campus police officer
 36 is revoked or relinquished, the campus police department shall take

1 possession of the campus police officer's uniform, insignia, badge,
 2 identification card, and weapon issued to the campus police officer.

3 (2) Upon conviction, an individual who fails to relinquish his
 4 or her uniform, insignia, badge, identification card, or weapon upon
 5 cessation of employment under subdivision (g)(1) of this section is guilty of
 6 a Class A misdemeanor.

7 (h) A governing board of a public school district shall notify the
 8 Arkansas Commission on Law Enforcement Standards and Training when a campus
 9 police officer is commissioned or a commission is relinquished or revoked.

10 (i) The governing board of a public school district shall provide the
 11 Arkansas Commission on Law Enforcement Standards and Training with any
 12 available information requested by the Arkansas Commission on Law Enforcement
 13 Standards and Training regarding a commissioned campus police officer.

14
 15 6-5-705. Permissible alternatives.

16 This subchapter does not prohibit a governing board of a public school
 17 district from:

18 (1) Employing personnel licensed under the Private Investigators
 19 and Private Security Agencies Act, § 17-40-101 et seq.;

20 (2) Contracting with a municipality to authorize the local
 21 municipal police department of the municipality to provide security services;

22 (3) Contracting with a sheriff's department to authorize the
 23 sheriff's department to provide security services;

24 (4) Contracting with an individual certified law enforcement
 25 officer to provide security services;

26 (5) Employing any other person for the performance of safety or
 27 security duties for which the person is trained; or

28 (6) Hiring only public school district personnel limited to
 29 administration of the campus police department.

30
 31 6-5-706. Jurisdictional agreements.

32 (a) A municipality or county having overlapping or concurrent
 33 jurisdiction with a campus police department may enter into an agreement with
 34 the campus police department recognizing jurisdictional boundaries and
 35 providing for mutual assistance.

36 (b) An agreement described in subsection (a) of this section shall be

1 executed by the governing board of the public school district and the
2 executive head of the municipal or county law enforcement agency.

3 (c) This subchapter shall not serve to prevent other law enforcement
4 agencies from having concurrent or overlapping jurisdiction.

5
6 6-5-707. Fines.

7 Criminal fines, penalties, fees, or penalty assessments imposed by a
8 circuit court, district court, or city court under a state law or municipal
9 ordinance as the result of an arrest or a citation issued by a campus police
10 officer appointed under this subchapter shall be collected and distributed as
11 required by law.

12
13 6-5-708. Prosecution.

14 (a) The prosecuting attorney of the judicial district in which the
15 unlawful conduct is alleged to have taken place shall have authority to
16 prosecute the offense upon a complaint being signed by a campus police
17 officer appointed under this subchapter.

18 (b) A violation of a municipal ordinance shall be prosecuted in a
19 district court.

20
21 SECTION 2. Arkansas Code § 12-9-102 is amended to read as follows:

22 12-9-102. Definitions.

23 As used in this subchapter:

24 (1) "Commission" means the Arkansas Commission on Law
25 Enforcement Standards and Training as established by § 12-9-103;

26 (2) "Law enforcement officer" means any appointed law
27 enforcement officer who is responsible for the prevention and detection of
28 crime and the enforcement of the criminal, traffic, or highway laws of this
29 state, excluding only those officers who are elected by a vote of the people;
30 and

31 (3) "Political subdivision" means any county, municipality,
32 township, public school district under § 6-5-701 et seq., or other specific
33 local unit of general government.

34
35 SECTION 3. Arkansas Code § 12-9-107(a), concerning training programs
36 of the Arkansas Commission on Law Enforcement Standards and Training, is

1 amended to read as follows:

2 (a) For the purpose of this subchapter, the Arkansas Commission on Law
 3 Enforcement Standards and Training may cooperate with federal, state, campus
 4 police departments under § 6-5-701 et seq., and local law enforcement
 5 agencies in establishing and conducting instruction and training programs for
 6 law enforcement officers of this state, its counties, public school
 7 districts, and municipalities.

8

9 SECTION 4. Arkansas Code § 12-9-205 is amended to read as follows:
 10 12-9-205. Approval of applications.

11 Applications for attendance at the Arkansas Law Enforcement Training
 12 Academy shall be screened and approved as follows:

13 (1) Applicants of the Department of Arkansas State Police shall
 14 be approved by the Arkansas State Police Commission;

15 (2) Applications from sheriffs or deputy sheriffs and constables
 16 shall be approved by the Executive Committee of the Arkansas Sheriffs
 17 Association; ~~and~~

18 (3) Applications from any officer of a municipal police
 19 department shall be approved by the Executive Committee of the Arkansas Peace
 20 Officers' Association; and

21 (4) Applications from a campus police officer under § 6-5-701 et
 22 seq. shall be approved by the governing board of the public school district
 23 that will employ or contract with the campus police officer.

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25 SECTION 5. Arkansas Code § 12-9-401 is amended to read as follows:
 26 12-9-401. Definitions.

27 As used in this subchapter:

28 (1) "Commission" means the Arkansas Commission on Law
 29 Enforcement Standards and Training as established by § 12-9-103;

30 (2) "Full-time law enforcement officer" means any sheriff or
 31 officer employed by a law enforcement agency or a campus police department
 32 under § 6-5-701 et seq. who works forty (40) or more hours per week or any
 33 part-time officer employed by a law enforcement agency who has met the
 34 selection and training requirements for full-time certified officers;

35 (3) "Law enforcement agency" means any police force or
 36 organization whose primary responsibility as established by statute or

1 ordinance is the enforcement of the criminal, traffic, or highway laws of
2 this state, including a campus police department under § 6-5-701 et seq.;

3 (4) "Law enforcement officer" means any appointed law
4 enforcement officer or sheriff who is responsible for the prevention and
5 detection of crime and the enforcement of the criminal, traffic, or highway
6 laws ~~of this~~ of this state;

7 (5) "Part-time law enforcement officer" means any officer
8 working less than twenty (20) hours per week and receiving a salary from the
9 employing law enforcement agency;

10 (6) "Police traffic radar" means any speed measurement device
11 utilizing the Doppler principle or an infrared light system to measure the
12 speed of motor vehicles; and

13 (7) "Political subdivision" means any county, municipality,
14 township, public school district under § 6-5-701 et seq., or other specific
15 local unit of general government.

16
17 SECTION 6. Arkansas Code § 12-9-601 is amended to read as follows:
18 12-9-601. Definitions.

19 For the purpose of this subchapter:

20 (1) "Commission" means the Arkansas Commission on Law
21 Enforcement Standards and Training; and

22 (2) "Employing agency" means any state agency or any county,
23 municipality, or other political subdivision of the state, including a public
24 school district under § 6-5-701 et seq., or any agent thereof, which has
25 constitutional or statutory authority to employ or appoint persons as law
26 enforcement officers.

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