

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

A Bill

HOUSE BILL 2238

4
5 By: Representative Pyle
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
10 CRITERIA FOR GRANTING OR WITHDRAWING
11 AUTHORIZATION FOR MUNICIPAL POLICE TO PATROL
12 CONTROLLED-ACCESS FACILITIES; TO CLARIFY THAT THE
13 DIRECTOR OF THE DEPARTMENT OF ARKANSAS STATE
14 POLICE MAY WITHDRAW AUTHORIZATION FOR MUNICIPAL
15 POLICE TO PATROL CONTROLLED-ACCESS FACILITIES;
16 AND FOR OTHER PURPOSES.
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Subtitle

18 TO PROVIDE FOR THE ESTABLISHMENT OF
19 CRITERIA FOR GRANTING OR WITHDRAWING
20 AUTHORIZATION FOR MUNICIPAL POLICE TO
21 PATROL CONTROLLED-ACCESS FACILITIES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 12-8-106 is amended to read as follows:

28 12-8-106. Department of Arkansas State Police - Duties and powers -
29 Restrictions - Municipal police barred from patrolling certain highways.

30 (a)(1) It shall be the duty of the Department of Arkansas State Police
31 to:

32 (A) Patrol the public highways, make arrests, and enforce
33 the laws of this state relating to motor vehicles and the use of the state
34 highways;

35 (B) Establish, maintain, and enforce a towing rotation
36 list to assist in clearing highways of motor vehicles which have been



1 involved in accidents or abandoned;

2 (C) Assist in the collection of delinquent motor vehicle
 3 license taxes and the collection of gasoline and other taxes that are
 4 required by law; and

5 (D) Determine when, if possible, a person or persons are
 6 the cause of injury to any state highway or other state property and arrest
 7 all persons criminally responsible for injury to any state highway or other
 8 state property and bring them before the proper officer for trial.

9 (2) The Director of the Department of Arkansas State Police may
 10 promulgate necessary rules and regulations to carry out the purpose and
 11 intent of subdivision (a)(1)(B) of this section.

12 (b) The department shall be conservators of the peace and as such
 13 shall have the powers possessed by police officers in cities and sheriffs in
 14 counties, except that the department may exercise such powers anywhere in
 15 this state.

16 (c) The department shall have the authority to establish a Crimes
 17 Against Children Division, either through transfer or by contract, to conduct
 18 child abuse investigations, to administer the child abuse hotline, and, when
 19 consistent with regulations promulgated by the department, to provide
 20 training and technical assistance to local law enforcement in conducting
 21 child abuse investigations.

22 (d) The police officers shall have all the power and authority of the
 23 State Fire Marshal and shall assist in making investigations of arson, § 5-
 24 38-301, and such other offenses as the director may direct and shall be
 25 subject to the call of the circuit courts of the state and the Governor.

26 (e) However, this chapter shall not be construed so as to take away
 27 any authority of the regularly constituted peace officers in the state, but
 28 the department shall cooperate with them in the enforcement of the criminal
 29 laws of the state and assist such officers either in the enforcement of the
 30 law or apprehension of criminals.

31 (f) Nothing in this chapter shall be construed as to authorize any
 32 officer of the department to serve writs unless they are specifically
 33 directed to the department, or an officer thereof, by the issuing authority.

34 (g) No officer or member of the department shall ever be used in
 35 performing police duties on private property in connection with any strike,
 36 lockout, or other industrial disturbance.

1 (h)(1)(A) Municipal police are prohibited from patrolling ~~limited~~
2 ~~access highways~~ controlled-access facilities except as may be authorized by
3 the director.

4 (B) The director may withdraw any previously issued
5 authorization for municipal police to patrol controlled-access facilities.

6 (C)(i) The director shall promulgate rules in accordance
7 with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to
8 establish criteria for granting or withdrawing authorization for municipal
9 police to patrol controlled-access facilities.

10 (ii) In adopting the rules described in subdivision
11 (h)(1)(C)(i) of this section, the director at a minimum shall take into
12 consideration the following factors:

13 (a) Public safety;

14 (b) Training of the municipal police;

15 (c) Size of the municipal police force;

16 (d) Financial impact;

17 (e) Abuse of police power; and

18 (f) The types of roadways or highways that are
19 controlled-access facilities for purposes of this section.

20 (2) Municipal police may patrol any service roads that are
21 within their jurisdiction situated adjacent to ~~limited access highways~~
22 controlled-access facilities.

23 (3) Nothing in this subsection shall prohibit a municipal police
24 officer from responding to an accident or other emergency on a ~~limited access~~
25 ~~highway~~ controlled-access facility.

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