

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

SENATE BILL 390

4  
5 By: Senator J. Taylor  
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## For An Act To Be Entitled

8  
9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS  
10 CODE REGARDING THE POWERS AND DUTIES OF  
11 INSTITUTIONAL LAW ENFORCEMENT OFFICERS; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

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15 REGARDING THE POWERS AND DUTIES OF  
16 INSTITUTIONAL LAW ENFORCEMENT OFFICERS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 25-17-301 is amended to read as follows:  
22 25-17-301. Definitions.

23 As used in this subchapter, unless the context otherwise requires:

24 (1) "Executive head", when used with reference to the University  
25 of Arkansas, means the President of the University of Arkansas System;

26 (2) "Institution" means the educational, charitable,  
27 correctional, penal, and other institutions owned and operated by the State  
28 of Arkansas and shall include the respective state parks of this state;

29 (3) "Property" means both real and personal property owned by or  
30 under the control of the institution and shall include all highways, streets,  
31 alleys, and rights-of-way that are contiguous or adjacent to property owned  
32 or controlled by the institution; and

33 (4) "Property under the control of" shall include that property  
34 upon which any registered institutional organization is maintained or  
35 property rented or leased for the purpose of facilitating events or functions  
36 of the institution.



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SECTION 2. Arkansas Code § 25-17-304 is amended to read as follows:

25-17-304. Appointment and removal of ~~security~~ institutional law enforcement officers.

(a)(1) The executive heads of each of the educational, charitable, correctional, penal, and other institutions owned and operated by the State of Arkansas, including the executive head of the Department of Parks and Tourism, are authorized ~~and empowered~~ to designate and appoint one (1) or more of the employees of the institutions and department, respectively, as ~~security~~ an institutional law enforcement officer or officers for the institution or at a state park, or any separate portion of the institution or park, who shall ~~be peace officers~~ exercise law enforcement officer authority under the laws of this state.

(2) Nothing in this subsection (a) shall prohibit institutions or departments from appointing security officers who are not certified law enforcement officers.

(b) These institutional law enforcement officers shall:

(1) ~~have~~ Have all the powers provided by law for city police and county sheriffs to be exercised as required for the protection of the respective state institutions and state parks, together with any other duties which may be assigned by the employing institution or department; ~~and~~

(2) Meet the requirements for certification set out by the Executive Commission on Law Enforcement Standards and Training in addition to any institution or department requirements.

(c) None of the present jurisdictional powers or responsibility of the county sheriffs or city police over the land or property of institutions or persons on the land shall be ceded to the ~~security~~ law enforcement officers of state institutions. The appointment or designation of institutional ~~security~~ law enforcement officers shall not be deemed to supersede, in any way, the authority of the state police or the county sheriffs or that of the ~~peace~~ law enforcement officers of the jurisdiction within which the institution, or portions of it, shall be located.

(d)(1) Institutional ~~security~~ law enforcement officers shall be identified by a shield or badge bearing the name of the state institution.

(2) The institution shall issue an identification card bearing the photograph of the institutional law enforcement officer who shall carry

1 it on his or her person at all times when on duty and display it upon  
 2 request.

3 (e)(1) A ~~An security~~ institutional law enforcement officer's  
 4 authorization to have and to exercise the powers provided by law for ~~peace~~  
 5 law enforcement officers shall be further evidenced by a certificate of  
 6 appointment issued under the seal of the institution ~~and carried on his or~~  
 7 ~~her person at all times when on duty.~~

8 (2) The executive head of the institution and the executive head  
 9 of the department or their designees shall maintain ~~in a well-bound book a~~  
 10 ~~copy of all the authorizations issued to employees of the state institution~~  
 11 ~~or of the department~~ a file containing each institutional law enforcement  
 12 officer's authorization certificate, the certificate of appointment, and all  
 13 other certificates and information consistent with the regulations of the  
 14 Executive Commission on Law Enforcement Standards and Training.

15 (3)(A) The executive head of the state institution or the  
 16 department shall have the authority to remove an employee from the execution  
 17 of those designated duties, including the authority to revoke in writing the  
 18 authorization to serve as a ~~peace~~ an institutional law enforcement officer  
 19 for the institution or department.

20 (B) Upon termination of that authority, the person shall  
 21 no longer possess or exercise the authority of a ~~peace~~ an institutional law  
 22 enforcement officer.

23 (C) A copy of all revocations shall be placed in the  
 24 ~~record book mentioned~~ file described in subdivision (e)(2) of this section.

25 (D) The Executive Commission on Law Enforcement  
 26 Standards shall be notified of any change in an institutional law enforcement  
 27 officer's status.

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 29 SECTION 3. Arkansas Code § 25-17-305 is amended to read as follows:

30 25-17-305. ~~Security~~ Institutional law enforcement officer's duties and  
 31 powers.

32 (a) ~~A security~~ An institutional law enforcement officer appointed  
 33 ~~pursuant to~~ under the authority of § 25-17-304, except to the extent  
 34 otherwise limited by the executive head of the state institution or  
 35 department appointing him or her, shall protect property, preserve and  
 36 maintain proper order and decorum, prevent unlawful assemblies and disorderly

1 conduct, exclude and eject persons detrimental to the well-being of the  
 2 institution, prevent trespass, and regulate the operation and parking of  
 3 motor vehicles upon and in all of the grounds, buildings, improvements,  
 4 streets, alleys, and sidewalks under the control of the institution employing  
 5 him or her, which is the institutional law enforcement officer's primary area  
 6 of jurisdiction.

7 (b)(1) He or she shall have and exercise police supervision on behalf  
 8 of the institution and is authorized as a ~~peace~~ law enforcement officer to  
 9 arrest any person upon or in the ~~areas described in subsection (a) of this~~  
 10 ~~section~~ institutional law enforcement officer's primary area of jurisdiction  
 11 who is committing an offense against any law of the State of Arkansas or  
 12 against the ordinances of the city wherein the institution is located and to  
 13 deliver that person before any court of competent jurisdiction to be dealt  
 14 with according to law.

15 (2) He or she shall have the authority to summon a posse  
 16 comitatus if necessary.

17 (c) An institutional law enforcement officer may make an arrest for an  
 18 offense against any law of the State of Arkansas outside his or her primary  
 19 area of jurisdiction if the officer:

20 (1) Is summoned by another law enforcement agency to provide  
 21 assistance;

22 (2) Is assisting another law enforcement agency;

23 (3)(A) Is traveling to or from any location in the state on  
 24 official business.

25 (B) Official business includes, but is not limited to:

26 (i) Engaging in intelligence gathering activity  
 27 relating to security on the grounds, buildings, improvements, streets,  
 28 alleys, and sidewalks under the control of the institution employing him or  
 29 her;

30 (ii) Investigating a crime committed on the grounds,  
 31 buildings, improvements, streets, alleys, and sidewalks under the control of  
 32 the institution employing him or her;

33 (iii) Transporting money, valuables, securities, or  
 34 other valuables on behalf of the institution;

35 (iv) Providing security or protective services for  
 36 officials or visiting dignitaries to the institution; or

1                   (v) The continuous and immediate pursuit of a person  
 2 for an offense committed on the grounds, buildings, improvements, streets,  
 3 alleys, and sidewalks under the control of the institution employing him or  
 4 her, or in the officer's view.

5                   (d)(1) When an arrest is made outside the institutional law  
 6 enforcement officer's primary jurisdiction, the law enforcement agency with  
 7 jurisdiction will be notified promptly and a written report forwarded to the  
 8 agency no later than the next working day.

9                   (2) The agency having jurisdiction may choose to take over the  
 10 investigation or allow the institution or department law enforcement officer  
 11 to bring the person before a court of competent jurisdiction to be dealt with  
 12 according to law.

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 14           SECTION 4. Arkansas Code § 25-17-306 is amended to read as follows:

15           25-17-306. ~~Security~~ Institutional law enforcement officers exempt from  
 16 personal liability.

17           Any ~~security~~ institutional law enforcement officers so appointed and  
 18 designated and any other institutional employees so authorized executing the  
 19 duties delegated to them ~~pursuant to~~ under this subchapter shall not be  
 20 personally liable for injuries to persons or for damages to property dealt  
 21 with while acting within the scope of their authorized authority on behalf of  
 22 the State of Arkansas and its institutions.

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 24           SECTION 5. Arkansas Code § 25-17-307 is amended to read as follows:

25           25-17-307. Rules and regulations for motor vehicles on institutional  
 26 grounds.

27           (a) Each of the institutions described in § 25-17-301 is authorized  
 28 ~~and empowered~~ to promulgate rules and regulations and to amend or change them  
 29 from time to time as its governing board shall deem necessary, providing for  
 30 the operation and parking of motor vehicles upon the grounds, streets,  
 31 drives, and alleys under its control, including, but not limited to, the  
 32 following regulations:

33                   (1) Limiting the rate of speed;

34                   (2)(A) Assigning parking spaces and designating parking areas  
 35 and their uses and collecting charges or fees as rent for those spaces.

36                           (B) The charges or fees collected under subdivision

1 (a)(2)(A) of this section, other than fees for parking or parking passes for  
2 athletic events or other special events, shall not be considered as payment  
3 for the providing of any service of any nature to the person paying the  
4 charges or fees as rent and shall be exempt for the tax levied by § 26-52-  
5 301(3)(E)(i);

6 (3) Prohibiting parking as it deems necessary;

7 (4) Removing vehicles parked in violation of institutional rules  
8 and regulations or city ordinances, at the expense of the violator, who shall  
9 pay the expense before the vehicle is released;

10 (5) Instituting a system of motor vehicle registration for the  
11 identification and regulation of vehicles regularly using institutional  
12 premises, including a reasonable charge to defray the cost thereof; and

13 (6)(A) Collecting under an established system administrative  
14 charges for violations of institutional rules and regulations governing motor  
15 vehicles, their operation, and parking.

16 (B) However, an administrative finding of violation may be  
17 appealed to the appropriate district court where the matter shall be heard de  
18 novo.

19 (b) Rules and regulations, together with any amendments thereto, which  
20 may from time to time be adopted by a state institution for the regulation of  
21 operation and parking of motor vehicles shall be recorded in the official  
22 minutes of the governing board having supervision of the institution, shall  
23 be filed with the Secretary of State, and shall be printed, with copies  
24 available at convenient locations at the institution or at any separate  
25 portion thereof.

26 (c) Speed limits shall be posted at reasonable intervals, and traffic  
27 and parking directions and prohibitions shall be indicated by signs.

28 (d) From and after the promulgation of the rules and regulations, it  
29 shall be unlawful for any person to operate or to park a motor vehicle in  
30 violation thereof. Any person violating or refusing to comply with the rules  
31 and regulations if not otherwise provided for by city ordinance shall be  
32 subjected to a reasonable administrative charge stated in the promulgated  
33 rules and regulations.

34 (e)(1) Persons violating institutional rules and regulations  
35 promulgated under this section while using a motor vehicle registered with  
36 the institution at the option of the ~~security~~ institutional law enforcement

1 officer shall be charged under the institution's system of charges or  
2 summoned to appear before any court of competent jurisdiction, to be dealt  
3 with according to law. A person adversely affected by any administrative  
4 determination as described shall have a right to appeal therefrom to the  
5 appropriate district court where the matter shall be heard de novo.

6 (2) Persons violating institutional rules and regulations under  
7 this section while using a motor vehicle not registered with the institution  
8 or persons violating city ordinances shall be summoned to appear before the  
9 court. Notice placed on the vehicle shall be sufficient as a summons for the  
10 purposes of this section.

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