

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Representative Hall
6

A Bill

HOUSE BILL 1493

For An Act To Be Entitled

8 AN ACT REGARDING WHICH LAW ENFORCEMENT OFFICERS ARE
9 ALLOWED TO PATROL CONTROLLED-ACCESS FACILITIES; AND
10 FOR OTHER PURPOSES.

Subtitle

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13 REGARDING WHICH LAW ENFORCEMENT OFFICERS
14 ARE ALLOWED TO PATROL CONTROLLED-ACCESS
15 FACILITIES.
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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 § 12-8-106(h), regarding restrictions on
22 municipal police to patrol certain highways, is amended to read as follows:

23 (h)(1)(A) ~~Municipal police~~ The following law enforcement officers are
24 prohibited from patrolling controlled-access facilities except as may be
25 authorized by the director-;

26 (i) A municipal police officer;

27 (ii) An officer established under § 14-42-401 et

28 seq.;

29 (iii) A city marshal; and

30 (iv) A constable.

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

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



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

- 4 (a) Public safety;
- 5 (b) Training of the ~~municipal police law~~
 6 enforcement officers;
- 7 (c) Size of the ~~municipal police force law~~
 8 enforcement agency;
- 9 (d) Financial impact;
- 10 (e) Abuse of police power; and
- 11 (f) The types of roadways or highways that are
 12 controlled-access facilities for purposes of this section.

13 (2) ~~Municipal police~~ The following law enforcement officers may
 14 patrol any service roads that are within their jurisdiction situated adjacent
 15 to controlled-access facilities-;

- 16 (A) A municipal police officer;
- 17 (ii) An officer established under § 14-42-401 et seq.;
- 18 (C) A city marshal; and
- 19 (D) A constable.

20 (3) ~~Nothing in this~~ This subsection shall not prohibit a
 21 municipal police officer, an officer established under § 14-42-401 et seq., a
 22 city marshal, or a constable from responding to an accident or other
 23 emergency on a controlled-access facility.