

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 855

4
5 By: Senator Rapert

For An Act To Be Entitled

8 AN ACT TO ALLOW AN AUXILIARY LAW ENFORCEMENT OFFICER
9 APPOINTED AS A RESERVE LAW ENFORCEMENT OFFICER TO
10 ADMINISTER BLOOD ALCOHOL TESTS AND TO OPERATE A
11 DEVICE TO DETECT EXCESSIVE SPEEDING; AND FOR OTHER
12 PURPOSES.

Subtitle

16 TO ALLOW AN AUXILIARY LAW ENFORCEMENT
17 OFFICER APPOINTED AS A RESERVE LAW
18 ENFORCEMENT OFFICER TO ADMINISTER BLOOD
19 ALCOHOL TESTS AND TO OPERATE A DEVICE TO
20 DETECT EXCESSIVE SPEEDING.

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22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code § 5-65-204(b)(1), regarding the approved
26 methods of a chemical analysis of a body substance, is amended to read as
27 follows:

28 (b)(1)(A) A chemical ~~analyses~~ analysis made to determine the presence
29 and amount of alcohol ~~of~~ in a person's blood, urine, or breath to be
30 considered valid under ~~the provisions of this act~~ this chapter shall be
31 performed according to a method approved by the ~~Division of Health of the~~
32 Department of Health ~~and Human Services~~ or by an individual possessing a
33 valid ~~permit~~ certificate issued by the ~~division~~ department for this purpose.

34 (B) The ~~division~~ department may:

35 (i) Approve satisfactory techniques or methods for
36 the chemical analysis;



1 (ii) Ascertain the qualifications and competence of
2 an individual to conduct the chemical analysis; and

3 (iii) Issue a ~~permit~~ certificate that is subject to
4 termination or revocation at the discretion of the ~~division~~ department.

5 (C)(i) An auxiliary law enforcement officer appointed as a
6 reserve law enforcement officer and certified by the department in the
7 operation of an instrument used to determine the alcohol content of the
8 breath may operate an instrument used to determine the alcohol content of the
9 breath under this chapter.

10 (ii) The department shall promulgate rules to
11 implement subdivision (b)(1)(C)(i) of this section.

12
13 SECTION 2. Arkansas Code § 12-9-402(7), regarding who may be trained
14 to operate a radar, is amended as follows:

15 (7) Exclude ~~auxiliary law enforcement officers,~~ part-time law
16 enforcement officers, and honorary law enforcement officers from training
17 classes sponsored and supported by the Arkansas Law Enforcement Training
18 Academy for the training of radar operators and radar instructors;

19
20 SECTION 3. Arkansas Code § 12-9-403(g), regarding who can operate a
21 radar to detect a vehicle's speed, is amended to read as follows:

22 (g) Only a full-time law enforcement officer, part-time I law
23 enforcement officer, ~~and~~ part-time II law enforcement officer, or an
24 auxiliary law enforcement officer appointed as a reserve law enforcement
25 officer as defined by commission ~~regulation, will be~~ rule is eligible for
26 certification as a police traffic radar operator.