

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/17/11

A Bill

SENATE BILL 855

5 By: Senators Rapert, G. Baker, Bledsoe, Bookout, Burnett, L. Chesterfield, Crumbly, J. Dismang, Elliott,
6 Files, Fletcher, S. Flowers, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, G. Jeffress, J. Jeffress,
7 D. Johnson, J. Key, M. Lamoureux, Laverty, Luker, Madison, P. Malone, B. Pritchard, Salmon, B.
8 Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt
9 By: Representative Ratliff

For An Act To Be Entitled

12 AN ACT TO ALLOW AN AUXILIARY LAW ENFORCEMENT OFFICER
13 APPOINTED AS A RESERVE LAW ENFORCEMENT OFFICER TO
14 ADMINISTER BLOOD ALCOHOL TESTS AND TO OPERATE A
15 DEVICE TO DETECT EXCESSIVE SPEEDING; AND FOR OTHER
16 PURPOSES.

Subtitle

20 TO ALLOW AN AUXILIARY LAW ENFORCEMENT
21 OFFICER APPOINTED AS A RESERVE LAW
22 ENFORCEMENT OFFICER TO ADMINISTER BLOOD
23 ALCOHOL TESTS AND TO OPERATE A DEVICE TO
24 DETECT EXCESSIVE SPEEDING.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

32 (b)(1)(A) A chemical ~~analyses~~ analysis made to determine the presence
33 and amount of alcohol ~~of~~ in a person's blood, urine, or breath to be
34 considered valid under ~~the provisions of this act~~ this chapter shall be
35 performed according to a method approved by the ~~Division of Health of the~~
36 Department of Health ~~and Human Services~~ or by an individual possessing a



1 valid ~~permit~~ certificate issued by the ~~division~~ department for this purpose.

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

3 (i) Approve satisfactory techniques or methods for
4 the chemical analysis;

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

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

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

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

16
17 SECTION 2. Arkansas Code § 12-9-402(7), regarding who may be trained
18 to operate a radar, is amended as follows:

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

23
24 SECTION 3. Arkansas Code § 12-9-403(g), regarding who can operate a
25 radar to detect a vehicle's speed, is amended to read as follows:

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

31
32 /s/Rapert