1 2	State of Arkansas 89th General Assembly	$\overset{As\ Engrossed:\ H1/16/13}{ ext{A} ext{Bill}}$	
3	Regular Session, 2013		HOUSE BILL 1012
4	Regular Session, 2015		1100SL BILL 1012
5	By: Representatives <i>Payton</i> ,	D. Altes	
6			
7	For An Act To Be Entitled		
8	AN ACT TO PROVIDE FOR JURISDICTIONAL COOPERATION		
9	REGARDING ARRESTS, SEARCHES, AND SEIZURES BY FEDERAL		
10	EMPLOYEES	; AND FOR OTHER PURPOSES.	
11			
12			
13		Subtitle	
14	TO P	PROVIDE FOR JURISDICTIONAL	
15	COOP	PERATION REGARDING ARRESTS, SEARCHES,	,
16	AND	SEIZURES BY FEDERAL EMPLOYEES.	
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19	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARK	ANSAS:
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21	SECTION 1. Ark	ansas Code Title 12, Chapter 16 is a	mended to add a
22	subchapter to read as follows:		
23	<u>Subchapter 3 - 1</u>	Federal Law Enforcement Personnel -	Cooperation with
24	County Sheriff.		
25			
26	12-16-301. Inte	ent.	
27	It is the inten	t of the General Assembly to:	
28	<u>(1) Ensu</u>	re maximum cooperation between feder	al employees and
29	local law enforcement	authorities;	
30	<u>(2) Ensu</u>	re that federal employees who carry	out arrests,
31	searches, and seizure	s in this state receive the best loc	al knowledge and
32	expertise available;	<u>and</u>	
33	<u>(3) Prev</u>	ent misadventure affecting Arkansas	citizens and their
34	rights that results from lack of cooperation or communication between federal		
35	employees operating in Arkansas and properly constituted local law		
36	enforcement authoritie	es.	

1 2 12-16-302. County sheriff. 3 (a) The county sheriff of each county is the senior law enforcement 4 officer of that county and is the most authoritative law enforcement official 5 in the county. 6 (b) The primary duties of the county sheriff are to keep the peace in 7 the county and to secure and protect the liberties and security of the 8 residents of the county. 9 10 12-16-303. Federal employees. 11 (a) A federal employee who is not designated by state law as an 12 Arkansas peace officer may not make an arrest or conduct a search or seizure 13 in this state without the written permission of the county sheriff or county 14 sheriff's designee of the county in which the arrest, search, or seizure will 15 occur unless one (1) or more of the following circumstances exist: 16 (1) The arrest, search, or seizure will take place on a federal 17 enclave for which jurisdiction has been actively ceded to the United States 18 of America by state law; 19 (2) The federal employee witnesses the commission of a crime, 20 the nature of which requires an immediate arrest; (3) The arrest, search, or seizure is made under federal or 21 22 state customs or immigration laws; 23 (4) The intended subject of the arrest, search, or seizure is an 24 employee of the office of the county sheriff or is an elected county or state 25 officer; or 26 (5) The federal employee has probable cause to believe that the 27 subject of the arrest, search, or seizure has close connections with the county sheriff, and therefore the subject is likely to be informed of the 28 29 impending arrest, search, or seizure. 30 (b) The county sheriff or county sheriff's designee may refuse written permission for any reason that the county sheriff or county sheriff's 31 32 designee considers sufficient. 33 (c)(1) A federal employee who desires to exercise an arrest, search, 34 or seizure under subdivision (a)(4) of this section shall obtain the written 35 permission of the Attorney General for the arrest, search, or seizure unless 36 the resulting delay in obtaining the written permission would likely cause:

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1	(A) Serious harm to one (1) or more individuals or to a		
2	community; or		
3	(B) Flight of the subject of the arrest, search, or		
4	seizure in order to avoid prosecution.		
5	(2) The Attorney General may refuse the permission for any		
6	reason the Attorney General considers sufficient.		
7	(d)(1) A federal employee who desires to exercise an arrest, search,		
8	or seizure under subdivision (a)(5) of this section shall obtain the written		
9	permission of the Attorney General.		
10	(2) The request for permission shall include a written		
11	statement, under oath, describing probable cause.		
12	(3) The Attorney General may refuse the request for any reason		
13	that the Attorney General considers sufficient.		
14	(e)(1) A request to the county sheriff or Attorney General for written		
15	permission under subsections (b)-(d) of this section to exercise an arrest,		
16	search, or seizure shall contain:		
17	(A) The name of the subject of the arrest, search, or		
18	seizure;		
19	(B) A clear statement of probable cause for the arrest,		
20	search, or seizure or a federal arrest, search, or seizure warrant that		
21	contains a clear statement of probable cause;		
22	(C) A description of specific assets, if any, to be		
23	searched for or seized;		
24	(D) A statement of the date and time that the arrest,		
25	search, or seizure is to occur; and		
26	(E) The address or location where the intended arrest,		
27	search, or seizure will be attempted.		
28	(2) The request may be in letter form, either typed or		
29	handwritten, but must be countersigned with the original signature of the		
30	county sheriff or county sheriff's designee or by the Attorney General to		
31	constitute valid permission.		
32	(3) The permission is valid for forty-eight (48) hours after it		
33	is signed.		
34	(4) The sheriff or Attorney General shall keep a copy of the		
35	permission request on file.		

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1	12-16-304. Prosecution.	
2	(a) A federal employee who conducts an arrest, a search, or a seizure	
3	or an attempted arrest, search, or seizure in violation of § 12-16-303 shall	
4	be prosecuted by the prosecuting attorney of the county for violations of	
5	state law as if the federal employee were acting as a private citizen.	
6	(b) To the extent possible, any victim of a crime by a federal	
7	employee acting in violation of § 12-16-303 may receive benefits available to	
8	other victims of crime in this state, including without limitation victims'	
9	benefits from the Crime Victims Reparations Revolving Fund.	
10	(c) The prosecuting attorney shall prosecute when a claim of violation	
11	of § 12-16-303 has been made by the county sheriff, the county sheriff's	
12	designee, or the Attorney General.	
13		
14	12-16-305. Declaration.	
15	Under the Tenth Amendment to the United States Constitution and this	
16	state's compact with other states, the General Assembly declares that any	
17	federal law purporting to give a federal employee the authority of a county	
18	sheriff in this state is not recognized by and is specifically rejected by	
19	this state and is declared to be invalid in this state.	
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21	/s/D. Altes	
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