

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S3/2/21 H3/15/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 159

4

5 By: Senators L. Eads, B. Davis

6 *By: Representative Lundstrum*

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING LAW ENFORCEMENT
10 AGENCIES FOR PRIVATE COLLEGES AND UNIVERSITIES; TO
11 ALLOW PRIVATE SCHOOLS TO ESTABLISH AND APPOINT AN
12 INSTITUTIONAL LAW ENFORCEMENT OFFICER; AND FOR OTHER
13 PURPOSES.

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Subtitle

17 TO AMEND THE LAW CONCERNING LAW
18 ENFORCEMENT AGENCIES FOR PRIVATE COLLEGES
19 AND UNIVERSITIES; AND TO ALLOW PRIVATE
20 SCHOOLS TO ESTABLISH AND APPOINT AN
21 INSTITUTIONAL LAW ENFORCEMENT OFFICER.

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

25

26 SECTION 1. Arkansas Code § 12-9-102(1)(A), concerning the definition
27 of "law enforcement agency", is amended to read as follows:

28 (A) A private school or private college or university law
29 enforcement agency as described in § 12-20-101 et seq.;"

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31 SECTION 2. Arkansas Code § 12-9-104(3)(A), concerning the powers of
32 the Arkansas Commission on Law Enforcement Standards and Training, is amended
33 to read as follows:

34 (3)(A) Establish minimum selection and training standards for
35 admission to employment as a law enforcement officer or as a private school
36 or private college or university law enforcement officer.



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SECTION 3. Arkansas Code § 12-9-211 is amended to read as follows:

12-9-211. Private school and private college or university law enforcement officers.

(a) A law enforcement officer for a private school or a private college or university is permitted to attend the Arkansas Law Enforcement Training Academy for training and instruction.

(b) The private school or the private college or university for which the law enforcement officer is employed shall:

(1) Pay any necessary transportation cost in traveling to and from the academy; and

(2) Reimburse the Division of Law Enforcement Standards and Training for any cost associated with the private school or private college or university law enforcement officer's training or instruction at the academy.

SECTION 4. Arkansas Code Title 12, Chapter 20, is amended to read as follows:

Chapter 20

Law Enforcement Agencies for Private Schools and Private Colleges and Universities

Subchapter 1 – General Provisions.

12-20-101. Definitions.

As used in this chapter:

(1) "Control" means that a private school or private college or university is maintained on the property or rents or leases the property to facilitate events or functions of the private school or private college or university;

(2) "Executive head" means the president or governing board of a private school or private college or university;

(3) "Private college or university" means a college, university, or teaching hospital that has all of the following characteristics:

(A) Is not owned or controlled by the state or a political subdivision of the state;

1 (B) Provides a program of education in residence leading
2 to a baccalaureate degree or provides a program of education in residence for
3 which the baccalaureate degree is a prerequisite, leading to an academic or
4 professional degree;

5 (C) Is accredited by the ~~North Central Association of~~
6 ~~Colleges and Schools~~ Higher Learning Commission or another nationally
7 recognized agency that accredits private colleges and universities; and

8 (D) Has its principal place of business located in the
9 state; ~~and~~

10 (4) "Private school" means a nonpublic elementary or secondary
11 school that is:

12 (A) A registered nonprofit; and

13 (B) Accredited or licensed by an accrediting association
14 recognized by the State Board of Education; and

15 ~~(4)(5)~~ "Property" means both real property and personal property
16 owned by or under the control of ~~the~~ a private school or private college or
17 university and includes without limitation all highways, streets, alleys, and
18 rights-of-way that are contiguous or adjacent to real property owned by or
19 under the control of the private school or private college or university.

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21 12-20-102. Applicability – Cumulative effect.

22 (a) This chapter applies to the property of each private school or
23 private college or university.

24 (b) This chapter does not mean that a private school or private
25 college or university is an agent of the State of Arkansas.

26 (c) This chapter is cumulative to any remedies that each private
27 school or private college or university may possess for enforcing its rules
28 and regulations, including its rights to impose sanctions through fees and
29 charges and its rights to discipline, deny service, and expel.

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31 12-20-103. Enforcement.

32 The prosecuting attorney or the city attorney, as may be appropriate,
33 shall appear and prosecute in court all criminal offenses arising under this
34 chapter.

35
36 Subchapter 2 – Law Enforcement Officers.

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2 12-20-201. Appointment and removal of private school or private
3 college or university law enforcement officers.

4 (a) An executive head of a private school or private college or
5 university may appoint one (1) or more of the employees of the private school
6 or private college or university as a private school or private college or
7 university law enforcement officer for the private school or private college
8 or university, who shall exercise law enforcement officer authority under the
9 laws of this state.

10 (b) A private school or private college or university law enforcement
11 officer shall:

12 (1) Have all the powers, duties, and obligations provided under
13 the law for municipal police departments and county sheriffs, to be exercised
14 as required for the protection of the private school or private college or
15 university, together with any other duties that may be assigned by the
16 employing private school or private college or university; and

17 (2) Meet the requirements for certification set out by the
18 Arkansas Commission on Law Enforcement Standards and Training in addition to
19 any private school or private college or university requirements.

20 (c)(1) The jurisdictional powers or responsibilities of a county
21 sheriff or municipal police department over the property of a private school
22 or private college or university or a person on the property of a private
23 school or private college or university are not ceded to a private school or
24 private college or university law enforcement officer.

25 (2) The appointment or designation of private school or private
26 college or university law enforcement officers does not supersede the
27 authority of the ~~Department~~ Division of Arkansas State Police, a county
28 sheriff, or a municipal police department of the jurisdiction within which
29 the property of the private school or private college or university, or
30 portions of it, is located.

31 (d)(1) A private school or private college or university law
32 enforcement officer shall be identified by a shield or badge bearing the name
33 of the private school or private college or university.

34 (2) The private school or private college or university shall
35 issue an identification card bearing the photograph of the private school or
36 private college or university law enforcement officer who shall carry it on

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

2 (e)(1) A private school or private college or university law
3 enforcement officer's authorization to have and to exercise the powers
4 provided by law for law enforcement officers shall be further evidenced by a
5 letter of appointment issued under the seal of the private school or private
6 college or university.

7 (2) The executive head of the private school or private college
8 or university shall maintain a file containing each private school or private
9 college or university law enforcement officer's letter of appointment and all
10 other certificates and information consistent with the rules of the
11 commission.

12 (3)(A) The executive head of the private school or private
13 college or university or the ~~department~~ division may revoke in writing the
14 appointment to serve as a private school or private college or university law
15 enforcement officer for the private school or private college or university.

16 (B) Upon revocation as described in subdivision (e)(3)(A)
17 of this section, the person shall not possess or exercise the authority of a
18 private school or private college or university law enforcement officer.

19 (C) A copy of all revocations shall be placed into the
20 file described in subdivision (e)(2) of this section.

21 (D) A private school or private college or university
22 employing a private school or private college or university law enforcement
23 officer shall notify the commission of any change in the private school or
24 private college or university law enforcement officer's status within three
25 (3) days.

26 (f) A private school or private college or university law enforcement
27 officer shall not be reimbursed with state funds for any training he or she
28 receives or be eligible to participate in any state or municipal retirement
29 system.

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31 12-20-202. Private school or private college or university law
32 enforcement officer's duties and powers – Definition.

33 (a) A private school or private college or university law enforcement
34 officer's primary jurisdiction is the private school or private college or
35 university employing him or her, and except to the extent otherwise limited
36 by the executive head of the private school or private college or university

1 appointing him or her, the private school or private college or university
2 law enforcement officer shall:

3 (1) Protect property;

4 (2) Preserve and maintain proper order and decorum;

5 (3) Prevent unlawful assemblies, disorderly conduct, and
6 trespass;

7 (4) Exclude and eject persons detrimental to the well-being of
8 the private school or private college or university; and

9 (5) Regulate the operation and parking of motor vehicles upon
10 property of the private school or private college or university.

11 (b)(1) A private school or private college or university law
12 enforcement officer shall exercise police supervision on behalf of the
13 private school or private college or university and may arrest any person in
14 the private school or private college or university law enforcement officer's
15 primary jurisdiction who is committing an offense against any law of the
16 State of Arkansas or against the ordinances of the city or county in which
17 the private school or private college or university is located.

18 (2) A private school or private college or university law
19 enforcement officer may summon a posse comitatus if necessary to complete an
20 arrest under subdivision (b)(1) of this section.

21 (c) A private school or private college or university law enforcement
22 officer may make an arrest for an offense against any law of the State of
23 Arkansas outside his or her primary jurisdiction if the private school or
24 private college or university law enforcement officer is:

25 (1) Summoned by another law enforcement agency to provide
26 assistance;

27 (2) Assisting another law enforcement agency;

28 (3) Exercising his or her police powers in accordance with a
29 written mutual aid agreement or memorandum of understanding between the
30 private school or private college or university and the municipality or
31 county within which the private school or private college or university is
32 located; or

33 (4)(A) Traveling to or from any location in the state on
34 official business.

35 (B) As used in subdivision (c)(4)(A) of this section,
36 "official business" includes without limitation:

1 (i) Engaging in intelligence-gathering activity
2 relating to security on the property of the private school or private college
3 or university employing him or her;

4 (ii) Investigating a crime committed on the property
5 of the private school or private college or university employing him or her;

6 (iii) Transporting money, valuables, securities, or
7 other valuables on behalf of the private school or private college or
8 university employing him or her;

9 (iv) Providing security or protective services for
10 officials or visiting dignitaries to the private school or private college or
11 university employing him or her; or

12 (v) Continuously and immediately pursuing a person
13 for an offense committed on the property of the private school or private
14 college or university employing him or her or in the private school or
15 private college or university law enforcement officer's eyesight.

16 (d)(1) When a private school or private college or university law
17 enforcement officer makes an arrest outside his or her primary jurisdiction,
18 the private school or private college or university law enforcement officer
19 shall promptly notify the law enforcement agency with jurisdiction and
20 forward a written report to the law enforcement agency with jurisdiction no
21 later than the next working day.

22 (2) The law enforcement agency having jurisdiction may choose to
23 conduct the investigation or allow the private school or private college or
24 university law enforcement officer to conduct the investigation.

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26 12-20-203. Records kept by a private school or private college or
27 university law enforcement agency.

28 Records generated or kept by a private school or private college or
29 university law enforcement agency under this chapter are subject to the same
30 record keeping and disclosure requirements of a state or local law
31 enforcement agency.

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33 Subchapter 3 – Motor Vehicle Regulation.

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35 12-20-301. Rules and regulations for motor vehicles on private school
36 or private college or university grounds.

1 (a)(1) Each private school or private college or university may
2 promulgate and amend rules and regulations for the operation and parking of
3 motor vehicles on its property as its governing board deems necessary if the
4 rules and regulations do not conflict with governing state law or a city or
5 county ordinance.

6 (2) The rules and regulations described in subdivision (a)(1) of
7 this section may be submitted to the city or county where the property of the
8 private school or private college or university is located for adoption as
9 ordinances, including without limitation ordinances that:

10 (A) Limit the rate of speed; and

11 (B) Enforce other traffic rules, including control and
12 direction of traffic.

13 (b) Speed limits shall be posted at reasonable intervals, and traffic
14 and parking directions and prohibitions shall be indicated by signs.

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17 /s/L. Eads
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