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As Engrossed: S3/7/19
A Bill

SENATE BILL 383

By: Senators B. Davis, B. Ballinger

By: Representative Slape

For An Act To Be Entitled

AN ACT CONCERNING INSTITUTIONAL LAW ENFORCEMENT OFFICERS; TO ALLOW *PUBLIC SCHOOL DISTRICTS AND OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS* TO ESTABLISH AND APPOINT AN INSTITUTIONAL LAW ENFORCEMENT OFFICER; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW PUBLIC SCHOOL DISTRICTS AND OPEN ENROLLMENT PUBLIC CHARTER SCHOOLS TO ESTABLISH AND APPOINT AN INSTITUTIONAL LAW ENFORCEMENT OFFICER.

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

SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an additional subchapter to read as follows:

Subchapter 17 – Institutional Law Enforcement Officers.

6-13-1701. Definitions.

As used in this subchapter:

(1) "Executive head" means a superintendent of a public school district or the head of an open-enrollment public charter school;

(2) "Institution" means property that is owned and operated by a public school district or an open-enrollment public charter school;

(3) "Institutional law enforcement officer" means an individual who is appointed under this subchapter by an executive head to exercise law



enforcement authority on the property of an institution;

(4) "Primary jurisdiction" means the property over which an institutional law enforcement officer may exercise authority; and

(5) "Property" means both real and personal property that is owned by or under the control of an institution, and includes without limitation all highways, streets, alleys, and rights-of-way that are contiguous or adjacent to real and personal property that is owned or controlled by an institution.

6-13-1702. Applicability.

(a)(1) This subchapter applies to all property that is owned or under the control of an institution.

(2) However, this subchapter shall not interfere with the ownership or control that is vested in the board of directors of each institution regarding its property.

(b) This subchapter shall be in addition to any rights that an institution has with respect to enforcing its rules, including without limitation an institution's right to:

- (1) Impose sanctions through fees and charges;
- (2) Discipline an individual;
- (3) Deny service to an individual; and
- (4) Expel an individual.

6-13-1703. Appointment and removal of institutional law enforcement officers.

(a)(1) An executive head of an institution may designate and appoint at least one (1) of the employees of the institution as an institutional law enforcement officer.

(2) An employee appointed as an institutional law enforcement officer under subdivision (a)(1) of this section shall exercise the authority of a law enforcement officer under the laws of this state.

(b) Before an executive head appoints an institutional law enforcement officer under subdivision (a)(1) under this section, the institution shall appear before the Arkansas Commission on Law Enforcement Standards and Training to request the creation of a new law enforcement agency as required under § 12-9-118.

(c) An institutional law enforcement officer under this section shall:

(1) Have all powers provided by law to law enforcement officers, which shall be exercised as required for the protection of the institution that appointed the institutional law enforcement officer; and

(2) Meet the standards and qualifications for certification required by the Arkansas Commission on Law Enforcement Standards and Training.

(d) The appointment of an institutional law enforcement officer under this section shall not supersede the authority of the:

(1) City police and county sheriffs with jurisdiction over the property or individuals of an institution; and

(2) Department of Arkansas State Police.

(e) An institutional law enforcement officer appointed under this section shall:

(1) Be identified by a shield or a badge bearing the name of the institution for which the institutional law enforcement officer is employed; and

(2)(A) Have an identification card bearing his or her photograph.

(B) An identification card under subdivision (e)(2)(A) of this section shall be carried on the institutional law enforcement officer's person at all times while he or she is on duty and shall be displayed upon request.

(f)(1) An institutional law enforcement officer's authorization to exercise powers provided by law for law enforcement officers shall be evidenced by a letter of appointment issued under the seal of an institution.

(2) An executive head or his or her designee shall maintain a file that contains:

(A) Each institutional law enforcement officer's authorization certificate as required under subdivision (f)(1) of this section; and

(B) Certificates and information as required by the Arkansas Commission on Law Enforcement Standards and Training.

(g)(1) An executive head may revoke, in writing, an institutional law enforcement officer's authority granted under this subchapter.

(2) A copy of a revocation issued under subdivision (g)(1) of

this section shall be included in the file required under subdivision (f)(2) of this section.

(3) The Arkansas Commission on Law Enforcement Standards and Training shall be notified by the institution of any change in the status of an institutional law enforcement officer.

6-13-1704. Powers and duties of an institutional law enforcement officer.

(a) An institutional law enforcement officer appointed under this subchapter, except to the extent limited by the executive head who appointed the institutional law enforcement officer, shall:

- (1) Protect property;
- (2) Preserve and maintain proper order and decorum;
- (3) Address and prevent unlawful assemblies;
- (4) Address and prevent disorderly conduct;
- (5) Exclude or eject an individual who is deemed by the institution to be detrimental to the well-being of the institution;
- (6) Address and prevent trespass;
- (7) Regulate the operation and parking of motor vehicles on and in the grounds, buildings, improvements, streets, alleys, and sidewalks that are under control of the institution for which the institutional law enforcement officer works; and
- (8) Exercise police supervision on behalf of the institution for which the institutional law enforcement officer works.

(b) An institutional law enforcement officer may:

- (1) Arrest, if necessary, an individual who commits an offense that violates a:
 - (A) Law; or
 - (B) City ordinance of the city in which the institution is located;
- (2) Deliver a person that the institutional law enforcement officer has arrested under subdivision (b)(1) of this section before a court of competent jurisdiction; and
- (3) Summon a posse comitatus if necessary to keep the peace.

(c) An institutional law enforcement officer may make an arrest for an offense that violates a law outside of his or her primary jurisdiction if the

institutional law enforcement officer is:

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

(2) Assisting another law enforcement agency; and

(3)(A) Traveling to or from a location within the state for purposes of official business.

(B) Official business under subdivision (c)(3)(A) of this section includes without limitation:

(i) Engaging in intelligence-gathering activities related to security on property under the control of the institution that employs the institutional law enforcement officer;

(ii) Investigating a crime committed on property under the control of the institution that employs the institutional law enforcement officer;

(iii) Transporting money, securities, or other items of value on behalf of the institution that employs the institutional law enforcement officer;

(iv) Providing security or protective services for students, officials, or visiting dignitaries of the institution; and

(v) Pursuing an individual in a continuous and immediate manner for an offense the individual committed on property under the control of the institution that employs the institutional law enforcement officer or in view of the institutional law enforcement officer.

(d)(1) When an arrest is made outside of an institutional law enforcement's primary jurisdiction under subsection (c) of this section, the law enforcement agency that has jurisdiction in the location in which the arrest occurred shall be notified promptly and shall receive a written report that is forwarded by the institutional law enforcement officer no later than the institutional law enforcement officer's next working day.

(2) A law enforcement agency that has jurisdiction under subdivision (d)(1) of this section may:

(A) Take over the investigation of the offense for which the arrest was made; or

(B) Allow the institutional law enforcement officer to bring the arrested individual before a court of competent jurisdiction.

6-13-1705. Institutional law enforcement officers – Personal liability.

An institutional law enforcement officer appointed under this section is not personally liable for injuries to individuals or damages to property while the institutional law enforcement officer is acting within the scope of his or her authorities as authorized by this subchapter.

6-13-1706. Prosecution and fines.

(a) A prosecuting attorney or city attorney with jurisdiction shall appear and prosecute all actions that arise in a court under this subchapter.

(b) All fines collected by a court under this subchapter shall be paid into the same fund as are fines levied for the same or similar violations by the court hearing the matter.

6-13-1707. Motor vehicles on institutional property – Rules.

(a) An institution may promulgate rules for the operation and parking of motor vehicles on the property of the institution, including without limitation rules regarding the:

(1)(A) Rate of speed.

(B) Speed limits shall be posted at reasonable intervals;

(2)(A) Assignment and designation of parking spaces and the collection of charges or fees as rent for those parking spaces.

(B) Charges or fees collected under subdivision (a)(2)(A) of this section, other than charges and fees collected for parking or parking passes for athletic events or other special events at the institution, are not considered payment for the providing of any service of any nature to the individual required to pay the charges or fees as rent and shall be exempt from the tax levied by § 26-52-301(3);

(3) Prohibition of parking.

(A) For purposes of appearance, a notice left on a motor vehicle is sufficient to constitute a summons;

(4) Removal of vehicles, at the expense of the violator, that are parked in violation of institutional rules or city ordinances;

(5) Establishment of a system of motor vehicle registration for the identification and regulation of motor vehicles that regularly use property of the institution, including without limitation a reasonable charge

to defray costs associated with the identification and regulation of the motor vehicles; and

(6)(A) Collection, under an established system, of administrative charges for violations of institutional rules under this section that govern motor vehicles, the operation of motor vehicles, and the parking of motor vehicles.

(B) An administrative finding of a violation under subdivision (a)(6)(A) of this section may be appealed to the district court with jurisdiction, where the matter shall be heard de novo.

(b) Rules promulgated under this section shall be:

(1) Recorded in the official minutes of the board of directors that has supervision of the institution;

(2) Filed as required under state law; and

(3) Printed, with copies available at convenient locations throughout the institution.

(c) Traffic and parking directions and prohibitions under this section shall be indicated by signs at regular intervals throughout the institution.

(d)(1) An individual who violates institutional rules promulgated under this subchapter shall be subjected to reasonable administrative charges under this section.

(2) An administrative determination under this section may be appealed to the district court with jurisdiction, where the matter shall be heard de novo.

/s/B. Davis

APPROVED: 4/1/19