

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1197

By: Representatives Dalby, L. Fite, Tosh

By: Senator D. Wallace

For An Act To Be Entitled

AN ACT CONCERNING LAW ENFORCEMENT AGENCY
ORGANIZATION, STAFFING, AND PERSONNEL MATTERS; AND
FOR OTHER PURPOSES.

Subtitle

CONCERNING LAW ENFORCEMENT AGENCY
ORGANIZATION, STAFFING, AND PERSONNEL
MATTERS.

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

SECTION 1. Arkansas Code § 12-9-118 is amended to read as follows:

12-9-118. New or inactive law enforcement agency – Approval by
commission required – Definition.

(a) As used in this section, “inactive law enforcement agency” means a law enforcement agency that existed and operated under a state law or local ordinance in the past but that currently does not exist or has not operated for at least ~~one (1) year~~ six (6) months.

(b) The chief executive officer or administrative head of an entity authorized by law to create a new law enforcement agency or reactivate an inactive law enforcement agency shall appear before the Arkansas Commission on Law Enforcement Standards and Training to request the creation of the new law enforcement agency or reactivation of the inactive law enforcement agency and present the law and documentation regarding:

(1) The funding mechanism, funding source or sources, and current budget proposal for the law enforcement agency;



(2) The proposed or enacted law enforcement agency policies, including without limitation policies regarding:

- (A) Use of force;
- (B) Vehicle pursuit;
- (C) Professional conduct of law enforcement officers to be employed by the law enforcement agency; and
- (D) ~~Biased-based policing~~ Racial profiling;

(3) The administrative structure and organizational chart of the law enforcement agency, consisting of, at a minimum, a full-time chief of police that reports to the chief executive officer or administrative head of the entity; and

(4) Any other information or documentation required by the commission.

(c) After the appearance and presentation under subsection (b) of this section, the commission shall approve or disapprove the request to create the new law enforcement agency or reactivate the inactive law enforcement agency.

SECTION 2. Arkansas Code Title 12, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

12-9-124. Part-time law enforcement officers – Number restricted.

(a)(1) A political subdivision may appoint a number of part-time law enforcement officers equal to two (2) part-time law enforcement officers for each full-time certified law enforcement officer employed full-time by and receiving a salary from the appointing law enforcement agency.

(2)(A) However, if a political subdivision has a need for a greater number of part-time law enforcement officers than is authorized in subdivision (a)(1) of this section due to special or unusual problems or circumstances, the political subdivision may make a request to the Arkansas Commission on Law Enforcement Standards and Training for additional part-time law enforcement officers.

(B) Each request under subdivision (a)(2)(A) of this section shall state the special or unusual problems or circumstances involved that justify the request, the number of additional part-time law enforcement officers requested, and such other information as the commission may require.

(C) If the commission finds that the public interest will best be served by allowing the political subdivision to appoint the

additional part-time law enforcement officers requested, the commission may grant the request under subdivision (a)(2)(A) of this section.

(b) This section does not restrict the number of honorary police officers without law enforcement authority.

SECTION 3. Arkansas Code § 12-9-602(b), concerning notice of employment, appointment, or separation from employment of a law enforcement officer, is amended to read as follows:

(b)(1) In a case of separation from employment or appointment, the employing agency shall notify the division in a manner adopted by the division, setting forth in detail the facts and reasons for the separation.

(2) In a case of a separation from employment or appointment for one (1) of the following reasons, the notice shall state that:

(A) The law enforcement officer was separated for his or her failure to meet the minimum qualifications for employment or appointment as a law enforcement officer;

(B) The law enforcement officer was dismissed for a violation of state or federal law;

(C) The law enforcement officer was dismissed for a violation of the regulations of the law enforcement agency; ~~or~~

(D) The law enforcement officer resigned or retired while he or she was the subject of a pending internal investigation;

(E) The law enforcement officer was separated for excessive use of force; or

(F) The law enforcement officer was separated for dishonesty or untruthfulness.

(3) Any law enforcement officer who has separated from employment or appointment shall be permitted to respond to the separation, in writing, to the division, setting forth the facts and reasons for the separation as he or she understands them.

APPROVED: 3/1/21