

Stricken language would be deleted from and underlined language would be added to present law.
Act 535 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/2/21 H3/15/21

A Bill

SENATE BILL 159

By: Senators L. Eads, B. Davis

By: Representative Lundstrum

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING LAW ENFORCEMENT AGENCIES FOR PRIVATE COLLEGES AND UNIVERSITIES; AND TO ALLOW PRIVATE 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 § 12-9-102(1)(A), concerning the definition of "law enforcement agency", is amended to read as follows:

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

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

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



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;

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

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

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

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

(A) A registered nonprofit; and

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

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

12-20-102. Applicability – Cumulative effect.

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

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

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

12-20-103. Enforcement.

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

Subchapter 2 – Law Enforcement Officers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Protect property;
- (2) Preserve and maintain proper order and decorum;
- (3) Prevent unlawful assemblies, disorderly conduct, and trespass;
- (4) Exclude and eject persons detrimental to the well-being of the private school or private college or university; and
- (5) Regulate the operation and parking of motor vehicles upon property of the private school or private college or university.

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

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

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

- (1) Summoned by another law enforcement agency to provide assistance;
- (2) Assisting another law enforcement agency;
- (3) Exercising his or her police powers in accordance with a written mutual aid agreement or memorandum of understanding between the private school or private college or university and the municipality or county within which the private school or private college or university is located; or
- (4)(A) Traveling to or from any location in the state on official business.

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

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

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

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

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

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

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

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

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

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

Subchapter 3 – Motor Vehicle Regulation.

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

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

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

(A) Limit the rate of speed; and

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

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

/s/L. Eads

APPROVED: 4/1/21