

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1175

By: Representative Underwood

By: Senator J. Bryant

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ESTABLISHMENT AND DUTIES OF MUNICIPAL POLICE DEPARTMENTS AND MUNICIPAL FIRE DEPARTMENTS; TO CREATE CONSISTENCY AMONG STATUTES CONCERNING THE ESTABLISHMENT AND DUTIES OF MUNICIPAL POLICE DEPARTMENTS AND MUNICIPAL FIRE DEPARTMENTS; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW TO CREATE CONSISTENCY AMONG STATUTES CONCERNING THE ESTABLISHMENT AND DUTIES OF MUNICIPAL POLICE DEPARTMENTS AND MUNICIPAL FIRE DEPARTMENTS.

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

SECTION 1. Arkansas Code § 14-52-101, concerning the establishment of a city police department in cities of the first class, is amended to add additional subsections to read as follows:

(c) The governing body of a city of the first class shall have the power to prescribe the duties, define the powers, and promulgate the policies necessary to govern a police department established under this section.

(d) As used in this section, "governing body" means the:

(1) City council in a mayor-council form of government; and

(2) Board of directors in a city manager or city administrator form of government.



SECTION 2. Arkansas Code § 14-52-102, concerning the authorization for cities of the second class and incorporated towns to establish a police department, is amended to add additional subsections to read as follows:

(c) The governing body of a city of the second class or incorporated town shall have the power to prescribe the duties, define the powers, and promulgate the policies necessary to govern a police department established under this section.

(d) As used in this section, "governing body" means the:

(1) City council in a mayor-council form of government; and

(2) Board of directors in a city manager or city administrator form of government.

SECTION 3. Arkansas Code § 14-53-101 is amended to read as follows:

14-53-101. Establishment in cities.

(a)(1) Except as provided in subdivision (a)(2) of this section, the ~~city council~~ governing body of a city shall establish fire departments and provide them with proper engines and such other equipment as shall be necessary to extinguish fires and preserve the property of the city and of the inhabitants from conflagration.

(2) In lieu of establishing its own fire department under this section, the ~~city council~~ governing body of a city by ordinance may enter into a contract or interlocal agreement for city fire protection with an existing fire department certified by the Arkansas Fire Protection Services Board.

(b) The ~~city council~~ governing body of a city shall ~~promulgate rules~~ have the power to prescribe the duties, define the powers, and promulgate the policies necessary to govern the a fire department that the city council deems expedient established under this section.

(c) As used in this section, "governing body" means the:

(1) City council in a mayor-council form of government; and

(2) Board of directors in a city manager or city administrator form of government.

**APPROVED: 2/21/23**