

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H2/6/17

A Bill

HOUSE BILL 1385

By: Representative Lemons

For An Act To Be Entitled

AN ACT TO BE KNOWN AS "SHANNON'S LAW"; CONCERNING THE
POSSESSION AND SALE OF BLUE LIGHTS AND LAW
ENFORCEMENT INSIGNIA; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS "SHANNON'S LAW"; AND
CONCERNING THE POSSESSION AND SALE OF
BLUE LIGHTS AND LAW ENFORCEMENT INSIGNIA.

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

SECTION 1. Arkansas Code § 5-77-201 is amended to read as follows:

5-77-201. ~~Blue light or blue lens cap sales~~ Unlawful possession, purchase, sale, or transfer of a blue light or blue lens cap.

~~(a)(1) It is unlawful to sell or transfer a blue light or blue lens cap to any person other than a law enforcement officer or a county coroner.~~

~~(2) It is unlawful for a person other than a law enforcement officer or a county coroner to buy a blue light or blue lens cap.~~

(a) It is unlawful for a person to:

(1) Knowingly possess or purchase a blue light or blue lens cap with a purpose to unlawfully use the blue light or blue lens cap; or

(2) Transfer a blue light or blue lens cap to another person whom the actor knows or should know has a purpose to unlawfully use the blue light or blue lens cap.

(b) Before selling a blue light or blue lens cap, the seller shall require the buyer to provide identification that legally demonstrates that the buyer is a law enforcement officer, auxiliary law enforcement officer, or



a county coroner.

(c) Any sale of a blue light or blue lens cap shall be reported to the Department of Arkansas State Police on a form prescribed by the department.

(d) Upon conviction, a person who violates this section is guilty of a Class ~~D~~ C felony.

(e) As used in this section:

(1) "Auxiliary law enforcement" officer means the same as defined in § 12-9-301;

~~(1)~~(2) "Blue lens cap" means a lens cap designed to produce a blue color of light when light from a device designed for an emergency vehicle passes through the lens cap; and

~~(2)~~(3) "Blue light" means any operable device that:

(A) Emits a blue color of light;

(B) Is designed for use by an emergency vehicle or is similar in appearance to a device designed for use by an emergency vehicle; and

(C) Can be operated by use of the vehicle's battery, the vehicle's electrical system, or a dry cell battery; and

(4) "Illegitimately" includes violating a state or federal law.

(f) This section does not apply to the following persons if acting with a lawful purpose:

(1) An in-state or out-of-state law enforcement officer or auxiliary law enforcement officer;

(2) A county coroner;

(3) A person employed by an in-state or out-of-state or federal agency who is operating a vehicle equipped with a blue light or blue lens cap during the course and scope of his or her employment; or

(4) A legitimate seller or vendor of blue lights or blue lens caps.

SECTION 2. Arkansas Code § 5-77-202 is amended to read as follows:

5-77-202. Law enforcement insignia sales.

(a)(1) It is unlawful to sell official law enforcement insignia to any person other than a law enforcement officer.

(2) It is unlawful for a person other than a law enforcement officer to buy official law enforcement insignia.

(b) Before selling official law enforcement insignia, the seller shall require the buyer to provide identification that legally demonstrates that the buyer is currently employed as a law enforcement officer or is currently an appointed auxiliary law enforcement officer.

(c) A violation of this section is a Class A ~~misdemeanor~~ Class D felony.

(d) As used in this section:

(1) "Auxiliary law enforcement officer" means the same as defined in § 12-9-301; and

(2) ~~"official~~ "Official law enforcement insignia" means those items relating to the performance of a person's duty as a law enforcement officer when the items are formally sanctioned by the law enforcement agency employing the person.

SECTION 3. Arkansas Code § 5-77-205 is amended to read as follows:
5-77-205. Resale of law enforcement vehicles.

(a) Except as provided in subsection (b) of this section, before a law enforcement vehicle is offered for sale to the public, the seller of the law enforcement vehicle shall remove from the law enforcement vehicle the:

- (1) Lightbar, including any blue lights or blue lens cap;
- (2) Spotlight;
- (3) Siren;
- (4) Law enforcement decals and signage;
- (5) Radios; and
- (6) Other items associated solely with law enforcement vehicles.

(b) The items required to be removed under subdivisions (a)(1)-(6) of this section are not required to be removed if the law enforcement vehicle is sold to a law enforcement agency.

(c) A violation of subsection (a) of this section is a violation and punishable by a fine of not more than one thousand dollars (\$1,000).

/s/Lemons