

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

State of Arkansas
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As Engrossed: S4/6/21
A Bill

SENATE BILL 242

By: Senator G. Stubblefield

By: Representatives Gazaway, Godfrey, Gonzales, M. Gray, Haak, Hawks, Hillman, M. Hodges, Holcomb, Hollowell, Hudson, Jean, Jett, L. Johnson, Ladyman, Love, Lowery, Lundstrum, Lynch, Maddox, Magie, J. Mayberry, McClure, McCollum, McCullough, M. McElroy, McGrew, McKenzie, McNair, S. Meeks, Miller, Milligan, Murdock, NA, Nicks, Payton, Penzo, Perry, Pilkington, Ray, Richardson, Richmond, Rye, Scott, Shepherd, Slape, B. Smith, S. Smith, Speaks, Springer, Tollett, Tosh, Underwood, Vaught, *Wardlaw*

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE STATE
*CAPITOL POLICE; TO AMEND ARKANSAS LAW CONCERNING THE
TRANSFER OF A STATE ENTITY; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES*

Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE
*STATE CAPITOL POLICE; TO AMEND ARKANSAS
LAW CONCERNING THE TRANSFER OF A STATE
ENTITY; AND TO DECLARE AN EMERGENCY.*

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

*SECTION 1. DO NOT CODIFY. Transfer of State Capitol Police from
Secretary of State to Department of Public Safety.*

*(a)(1) The State Capitol Police is transferred from the Secretary of
State to the Department of Public Safety.*

*(2) The State Capitol Police shall be a division of the
Department of Public Safety known as the "Division of State Capitol Police".*

*(b) The administrative functions of the State Capitol Police are
transferred by a cabinet-level department transfer under § 25-43-1402 from*



the Secretary of State to the Department of Public Safety.

(c) The statutory authority, powers, duties, functions, records, personnel, property, vehicles, equipment, office materials, including without limitation file cabinets, desks, chairs, and video monitoring equipment, and the functions of budgeting and purchasing of the State Capitol Police are transferred to the Department of Public Safety.

(d) The prescribed powers, duties, and functions of the State Capitol Police, including without limitation rulemaking, regulation, and licensing; promulgation of rules; and the rendering of findings, orders, and adjudications are transferred to the Secretary of the Department of Public Safety.

(e)(1) The transfer of the State Capitol Police under this section does not affect the orders, rules, regulations, directives, or standards made or promulgated prior to the effective date of the transfer under this section.

(2) The orders, rules, regulations, directives, or standards under subdivision (e)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

(f) The Secretary of State shall provide the office space utilized by the State Capitol Police on the effective date of this act and other areas of the State Capitol utilized by the State Capitol Police, including without limitation areas used for monitoring equipment, at no cost to the Department of Public Safety for the continued use of the Division of State Capitol Police.

(g) The Secretary of State shall continue to provide cleaning and general maintenance of the office space and areas of the State Capitol utilized by the Division of State Capitol Police.

(h) The Secretary of State and the Department of Public Safety shall work cooperatively as necessary to enable the Division of State Capitol Police to provide for the security of the State Capitol.

SECTION 2. Arkansas Code § 6-60-213(a)(1)(A), concerning reduced tuition for certain police officers, is amended to read as follows:

(1)(A) "Covered police officer" means:

(i) An employee of the Division of Arkansas State Police who:

(a) Holds the rank of state trooper or a higher rank; and

(b) Has been an employee of the Division of Arkansas State Police for ten (10) or more years;

(ii) A highway police officer who has been an employee of the Arkansas Highway Police Division of the Arkansas Department of Transportation for ten (10) or more years;

(iii) An officer of the Division of State Capitol Police who has been an employee of the Division of State Capitol Police for ten (10) or more years; ~~or~~

(iv) A wildlife officer who has been an employee of the Arkansas State Game and Fish Commission for ten (10) or more years; or

(v) An officer of the Division of Law Enforcement Standards and Training who has been an employee of the Division of Law Enforcement Standards and Training for ten (10) or more years.

SECTION 3. Arkansas Code § 12-9-208 is amended to read as follows:

12-9-208. Division of State Capitol Police – Training course.

All commissioned members of the Division of State Capitol Police shall satisfactorily complete the basic training course for law enforcement officers ~~at the Arkansas Law Enforcement Training Academy that is certified by the Arkansas Commission on Law Enforcement Standards and Training~~ within nine (9) months of their hire date or any extension granted by the ~~Arkansas Commission on Law Enforcement Standards and Training~~ commission.

SECTION 4. Arkansas Code § 12-14-101 is amended to read as follows:

12-14-101. Establishment – Powers.

(a) In such a manner as will most effectually secure the citizens and their property in and around the State Capitol, the Secretary of ~~State~~ the Department of Public Safety may:

(1) Establish the Division of State Capitol Police;

(2) Organize the Division of State Capitol Police;

(3) Prescribe the Division of State Capitol Police's duties; and

(4) Define the Division of State Capitol Police's powers.

(b)(1) The ~~Secretary of State~~ secretary may designate and appoint one (1) or more of his or her employees as State Capitol Police, who shall be

peace officers under the laws of the state and shall have and possess all the powers provided by the law for Arkansas State Police, city police, and county sheriffs to be exercised as required for the protection of the State Capitol grounds, together with such other duties as may be assigned by the ~~Secretary of State~~ secretary.

(2) An officer of the Division of State Capitol Police may act in his or her official capacity and exercise his or her powers anywhere within the boundaries of the State of Arkansas.

(c) None of the present jurisdiction or powers of the ~~Department~~ Division of Arkansas State Police, county police, or city police shall be ceded to the Division of State Capitol Police over the land or property which constitutes the State Capitol grounds or within the boundaries of the State of Arkansas.

SECTION 5. Arkansas Code § 12-14-102 is amended to read as follows:
12-14-102. Duties – Authority.

(a) Except to the extent otherwise limited by the Secretary of ~~State~~ the Department of Public Safety, State Capitol Police appointed pursuant to the authority contained in this chapter shall:

(1) Protect property;

(2) Preserve and maintain proper order and decorum;

(3) Prevent unlawful assemblies and disorderly conduct;

(4) Exclude and eject persons from and prevent trespass upon and in all of the State Capitol grounds and other grounds, buildings, improvements, streets, alleys, and sidewalks under control of the Secretary of State; and

(5) Have the authority to regulate the operation and parking of motor vehicles upon the State Capitol grounds and other grounds under control of the Secretary of State and upon all streets adjoining and traversing the State Capitol grounds, as long as it does not impede normal traffic patterns.

(b) The Division of State Capitol Police officers shall have and exercise police supervision on behalf of the Secretary of ~~State~~ the Department of Public Safety and are authorized as peace officers to arrest, with or without warrant, any person upon or in the areas described in this section or within the boundaries of the State of Arkansas who is or is reasonably believed to be committing an offense against any laws of the State

of Arkansas or against the ordinances of the city where the State Capitol grounds are located, and to deliver the person before any court of competent jurisdiction to be dealt with according to law.

SECTION 6. Arkansas Code § 12-14-103 is amended to read as follows:
12-14-103. Rules.

The Secretary of ~~State~~ the Department of Public Safety is hereby authorized and empowered to promulgate rules, and to amend or change the same from time to time as he or she shall deem necessary, providing for the operation and organization of the Division of State Capitol Police, so long as such rules are not arbitrary or capricious.

SECTION 7. Arkansas Code § 12-14-105(b), concerning the prosecution of actions arising from the State Capitol Police, is amended to read as follows:

(b) All fines which may be collected by any court on account of the violation of this chapter shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office, to be deposited into the State Treasury and placed to the credit of the Division of State Capitol Police.

SECTION 8. Arkansas Code § 12-14-106 is amended to read as follows:
12-14-106. Additional salary payments.

(a) In the event that sufficient revenues in the judgment of the Secretary of ~~State~~ the Department of Public Safety exist, the ~~Secretary of State~~ secretary may make additional salary payments from those funds to those employees who have attained law enforcement certification above the basic certificate level, as defined by the ~~Arkansas Commission on~~ Division of Law Enforcement Standards and Training.

(b) It is the intent of this section that the payment shall be optional, at the discretion of the ~~Secretary of State~~ secretary, dependent on sufficient revenues, and shall not be implemented using funds specifically set aside for other programs within the ~~office of the Secretary of State~~ Department of Public Safety.

(c)(1) Employees shall be eligible for all or a portion of additional salary payments scheduled as follows:

- (A) General certificate – three hundred dollars (\$300) annually;
- (B) Intermediate certificate – six hundred dollars (\$600) annually;
- (C) Advanced certificate – nine hundred dollars (\$900) annually; and
- (D) Senior certificate – one thousand two hundred dollars (\$1,200) annually.

(2) Payment of the additional salary amounts under this section:

- (A) May be made monthly, quarterly, semiannually, or annually, depending upon the availability of funding; and
- (B) Is restricted to full-time law enforcement officers.

~~(2) Payment of additional salary payments may be made monthly, quarterly, semiannually, or annually depending upon the availability of revenues and shall be restricted to the following classifications:~~

- ~~(A) State Capitol Police Chief;~~
- ~~(B) State Capitol Police Assistant Chief;~~
- ~~(C) State Capitol Police sergeant; and~~
- ~~(D) State Capitol Police corporal.~~

(d)(1) Payments made under this section which are awarded as partial or lump-sum payments shall not be considered as salary for purposes of retirement benefits but shall be subject to withholding of all applicable federal and state taxes.

(2) Payments made under this section shall not be construed as exceeding the maximum annual salary of the employee.

SECTION 9. Arkansas Code § 12-14-107 is amended to read as follows:
12-14-107. Assignment of officer to Senate.

(a)(1) Upon request, one (1) member of the Division of State Capitol Police shall be assigned to the Senate.

(2) The officer shall be selected by the Chair of the Senate Efficiency Committee or his or her designee in charge of security procedures for the Senate.

(b) The officer shall remain a full-time employee of the ~~State Capitol Police~~ division with accrued benefits and remain on duty with the ~~State Capitol Police~~ division when not on call with the Senate.

SECTION 10. Arkansas Code § 12-14-108 is amended to read as follows:
12-14-108. Award of pistol upon retirement or death.

When a Division of State Capitol Police officer retires from service or dies while still employed with the ~~State Capitol Police~~ division, in recognition of and appreciation for the service of the retiring or deceased officer, the Secretary of ~~State~~ the Department of Public Safety may award the pistol carried by the officer at the time of his or her death or retirement from service to:

- (1) The officer; or
- (2) The officer's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

SECTION 11. Arkansas Code § 12-14-109 is amended to read as follows:
12-14-109. Certain records exempt.

A record or other information related to the operations, emergency procedure, and security personnel of the Division of State Capitol Police is confidential and not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., including without limitation:

- (1) Records or other information that upon disclosure could reasonably be expected to be detrimental to the public safety, including without limitation records or other information concerning emergency or security plans, State Capitol Building or Capitol Hill apartment complex safety plans, monitoring capabilities, procedures, risk assessments, studies, measures, or systems; and
- (2) Records or other information relating to the number of licensed security officers, certified Division of State Capitol Police officers, or other security personnel, as well as any personal information about a security officer, certified Division of State Capitol Police officer, or other security personnel.

SECTION 12. Arkansas Code, Appendix - Title 19 Bond Issues, 12., § 13(d)(2), concerning the Capitol Mall Facility, is amended to read as follows:

- (2) Upon completion of the construction phase of the Capitol Mall Facility project, the State Building Services shall develop parking

regulations which will maintain equitable parking among the tenants of the Capitol Mall Facility and the public, and may establish reasonable rental or other charges for parking therein. The Division of State Capitol Police shall provide the necessary traffic patrols and policing of the Capitol Mall Facility parking areas.

SECTION 13. Arkansas Code § 22-3-216(b)(1), concerning the Law Enforcement Officers' Memorial, is amended to read as follows:

(b)(1) The Governor shall designate a representative from the Division of Arkansas State Police, the Arkansas Sheriffs' Association, the Arkansas Fraternal Order of Police Foundation, Inc., and the Arkansas Municipal Police Association, who, together with a member of the Division of State Capitol Police who is designated by the Secretary of ~~State~~ the Department of Public Safety, shall constitute the Law Enforcement Officers' Memorial Design Committee.

SECTION 14. Arkansas Code § 22-3-403(b), concerning penalties for violations of the traffic and parking rules of the Capitol Parking Control Committee, is amended to read as follows:

(b) All fines which may be collected on account of violation of this subchapter shall be paid into the State Treasury and placed to the credit of the Division of State Capitol Police.

SECTION 15. Arkansas Code § 22-3-404 is amended to read as follows:
22-3-404. Enforcement.

(a) In order that the provisions of this subchapter might be enforced, the Director of the Division of Arkansas State Police may assign one (1) state police officer or more to the State Capitol and its grounds, which may include assignments for sessions of the General Assembly, and the Secretary of ~~State~~ the Department of Public Safety is directed to assign one (1) Division of State Capitol Police officer or more. It shall be the responsibility of the ~~Secretary of State~~ Division of State Capitol Police to assure that at least one (1) certified law enforcement officer is on duty on the State Capitol grounds twenty-four (24) hours per day, seven (7) days per week.

(b) Each Division of State Capitol Police officer so assigned is

authorized to issue, upon determining a violation, a uniform traffic citation that shall be returnable in the Pulaski County District Court.

SECTION 16. Arkansas Code § 22-3-1503 is amended to read as follows:

22-3-1503. Parking rules.

(a) The Building Authority Division shall develop parking rules which will maintain equitable parking among the state agency tenants in the area described in § 22-3-1501 and for the public and may establish reasonable rental or other charges for parking therein.

(b) The Division of State Capitol Police shall provide the necessary traffic patrols and policing of the parking facility.

SECTION 17. Arkansas Code § 24-4-101(34)(B)(i)(b), concerning the definition of "public safety member", is amended to read as follows:

(b) "Police officer" includes a wildlife officer of the Arkansas State Game and Fish Commission, a drug enforcement officer of a judicial drug taskforce, a civilian firefighter of the Department of the Military covered under § 24-4-1004, and all officers ~~and the Chief~~ of the Division of State Capitol Police within the ~~office of the Secretary of State~~ Department of Public Safety.

SECTION 18. Arkansas Code § 25-43-1402(a), concerning state entities transferred to the Department of Public Safety, is amended to add an additional subdivision to read as follows:

(18) The State Capitol Police, created under § 12-14-101, now known as the "Division of State Capitol Police".

SECTION 19. Arkansas Code § 27-24-701 is amended to read as follows:

27-24-701. Purpose.

The purpose of this subchapter is to continue the procedure which existed prior to April 13, 2005, for issuing special license plates to the elected members of the General Assembly. These special license plates are issued to honor the elected members of the General Assembly and to assist in making parking rules for the State Capitol more enforceable by the Division of State Capitol Police.

SECTION 20. Arkansas Code § 27-24-801 is amended to read as follows:
27-24-801. Purpose.

The purpose of this subchapter is to continue the Constitutional Officer special license plates that existed before April 13, 2005, to honor the elected members of each constitutional office in the State of Arkansas and to make the parking rules for the State Capitol more enforceable by the Division of State Capitol Police.

SECTION 21. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the State Capitol Police preserves the public peace, health, and safety by virtue of the critical role that it plays in providing security for the State Capitol Building; that this act provides for the transfer of the State Capitol Police to the Department of Public Safety; and that this act should become effective on July 1, 2021, to coincide with the appropriation bills of the Department of Public Safety and the Secretary of State and ensure that the State Capitol Police continues to provide its vital services as the transfer is implemented and does not experience any issues with funding under the transfer. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2021.

/s/G. Stubblefield