

Title 5. Criminal Offenses

Chapter I. Division of Arkansas State Police, Department of Public Safety

Subchapter A. Generally

Part 2. Purchase of Blue Light or Lens — Sale and Purchase of Official Law Enforcement Insignia

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Arkansas State Police Regulation 1998-1".

"This rule is hereby promulgated in compliance with Arkansas Code Annotated 25-15-201 et seq. and under the authority of Acts 497 and 1281 of 1997 as codified in Arkansas Code Annotated 5-77-201 et seq."

Subpart 1. Generally

5 CAR § 2-101. Purpose.

It shall be unlawful to:

- (1) Sell or transfer a blue light or blue lens cap to any person other than a law enforcement officer or a county coroner; or
- (2) Buy or sell official law enforcement insignia to any person other than a law enforcement officer.

Authority. Arkansas Code § 5-77-203.

5 CAR § 2-102. Definitions.

As used in this part the following definitions apply:

- (1) "Arkansas State Police" means the Division of Arkansas State Police;
- (2) "Blue lens cap" means any cap or cover which may be used with an emergency light to make the light appear blue;
- (3) "Blue light" means an operable blue light which:

(A) Is designed for use by an emergency vehicle or is similar in appearance to a blue light designed for use by an emergency vehicle; and

(B) Can be operated by use of:

(i) The vehicle's battery;

(ii) The vehicle's electrical system; or

(iii) A dry cell battery;

(4) "Constable" means a person duly elected or appointed to the office of constable, during the term of office of said person;

(5) "County coroner" means a person duly elected or appointed to the office of county coroner, during the term of office of said person;

(6) "Law enforcement officer" means a person who:

(A) Has met the standards and qualifications as established by the Arkansas Commission on Law Enforcement Standards and Training; and

(B) Is currently employed as a law enforcement officer by a municipal, county, state, or federal law enforcement agency, or who is so constitutionally authorized;

(7)(A) "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.

(B) This specifically includes any item which contains the notation of:

(i) "Police";

(ii) "Sheriff"; or

(iii) Any wording or lettering that would lead a reasonable person to conclude that the holder thereof was a law enforcement officer; and

(8) "Sheriff" means a person duly elected or appointed to the office of sheriff, during the term of office of said person.

Authority. Arkansas Code § 5-77-203.

5 CAR § 2-103. Required identification.

(a) Before selling or transferring a blue light or blue lens cap, the seller/transferor shall require the buyer to provide identification that legally demonstrates that the buyer is a:

- (1) Law enforcement officer;
- (2) Sheriff;
- (3) Constable; or
- (4) County coroner.

(b) Necessary identification for a law enforcement officer shall be a:

(1) Photo identification card issued by the agency employing the officer and verifying current employment of the officer; or

(2)(A) Notarized letter on letterhead of the agency employing the officer and signed by the administrative head of the agency and verifying current employment of the officer.

(B) Such letter shall be accompanied by the employee's current Arkansas driver's license.

(c) Necessary identification for a county sheriff, coroner, or constable shall be a:

(1) Photo identification card issued by the Association of Arkansas Counties which specifies the expiration of the sheriff, coroner, or constable's term of office;

(2) Photo identification card issued by the county in which the sheriff, coroner, or constable has jurisdiction and specifying the expiration of the sheriff, coroner, or constable's term of office; or

(3)(A) Notarized letter on letterhead of the county in which the sheriff, coroner, or constable has jurisdiction, signed by the county judge or county sheriff naming the sheriff, coroner, or constable and specifying the expiration of the sheriff, coroner, or constable's term of office.

(B) Such letter shall be accompanied by the sheriff, coroner, or constable's current Arkansas driver's license.

(d) No other form of identification shall be accepted except as provided herein.

Authority. Arkansas Code § 5-77-203.

5 CAR § 2-104. Reporting.

Each sale of blue lights or blue light lenses, as described in Arkansas Code § 5-77-201 et seq., shall be reported by the seller:

(1) No later than ten (10) working days after such sale is concluded; and

(2)(A) On a form prescribed by the Division of Arkansas State Police to the address as stated on the form.

(B) Such form shall be completed in its entirety.

Authority. Arkansas Code § 5-77-203.

5 CAR § 2-105. Notice.

(a) Except as provided by the laws of the State of Arkansas, it is unlawful for any person to install, activate, or operate a blue light in or on any vehicle in this state.

(b) It is unlawful for any person other than designated law enforcement personnel to possess in or on any vehicle in this state a blue light as defined herein which is not sealed in the manufacturer's original package with the original seal.

(c) Unauthorized installation, activation, or operation of a blue light as specified above shall be a Class A misdemeanor.

(d) Unauthorized sale or transfer of a blue light or lens as specified above shall be a Class D felony.

(e) The buying and selling of official law enforcement insignia to unauthorized personnel shall be a Class A misdemeanor.

Authority. Arkansas Code §§ 5-77-201, 5-77-202, 5-77-203.