

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1216

5 By: Representative A. Davis  
6 By: Senator Hester  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES  
10 ACT OF 2019; TO ESTABLISH CABINET-LEVEL DEPARTMENTS;  
11 TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF PUBLIC  
12 SAFETY; TO TRANSFER STATE ENTITIES; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16 TO CREATE THE TRANSFORMATION AND  
17 EFFICIENCIES ACT OF 2019; TO ESTABLISH  
18 THE CABINET-LEVEL DEPARTMENT OF PUBLIC  
19 SAFETY; TO TRANSFER STATE ENTITIES; AND  
20 TO DECLARE AN EMERGENCY.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code Title 25, Chapter 43, is amended to add an  
27 additional subchapter to read as follows:

### Subchapter 14 - Department of Public Safety

28 25-43-1401. Department of Public Safety.  
29

30 There is created a Department of Public Safety as a cabinet-level  
31 department.  
32

33 25-43-1402. State entities transferred to the Department of Public  
34 Safety.  
35

36 (a) The administrative functions of the following state entities are



1 transferred to the Department of Public Safety pursuant to a cabinet-level  
2 transfer:

3 (1) The Arkansas Commission on Law Enforcement Standards and  
4 Training, created under § 12-9-103;

5 (2) The Arkansas Crime Information Center, created under § 12-  
6 12-201;

7 (3) The Arkansas Emergency Telephone Services Board, created  
8 under § 12-10-318;

9 (4) The Arkansas Homeland Security Advisory Group, created under  
10 12-75-132;

11 (5) The Arkansas State Police Commission, created under § 12-8-  
12 102;

13 (6) The Child Abuse Hotline, created under § 12-18-301;

14 (7) The Crimes Against Children Division, created under § 12-8-  
15 502;

16 (8) The Crime Victims Reparations Board, created under § 16-90-  
17 705;

18 (9) The Division of Emergency Management, created under § 12-75-  
19 109;

20 (10) The Division of Arkansas State Police, created under § 12-  
21 8-101;

22 (11) The Law Enforcement Support Office, created under § 19-11-  
23 605;

24 (12) The Office of Fire Protection Services, created under § 20-  
25 22-805;

26 (13) The State Crime Laboratory, created under § 12-12-301;

27 (14) The State Crime Laboratory Board, created under § 12-12-  
28 302;

29 (15) The State Emergency Response Commission, created under 12-  
30 82-104;

31 (16) The State Fire Prevention Commission, created under § 20-  
32 22-202; and

33 (17) The Supervisory Board for the Arkansas Crime Information  
34 Center, created under § 12-12-202.

35 (b) Each state entity transferred under subsection (a) of this section  
36 shall retain its specified statutory duties.

25-43-1403. Secretary of the Department of Public Safety.

(a) The executive head of the Department of Public Safety shall be the Secretary of the Department of Public Safety.

(b) The secretary shall be employed by the Governor and shall serve at the pleasure of the Governor.

(c) The secretary may perform all duties to administer the Department of Public Safety, including without limitation:

(1) Delegate to the employees of the Department of Public Safety any of the powers or duties of the department required to administer the:

(A) Statutory duties; or

(B) Rules, orders, or directives promulgated or issued by the state entities transferred to or established within the department;

(2) Hire department personnel;

(3) Perform or assign duties assigned to the Department of Public Safety; and

(4) Perform the duties of any other position within the Department of Public Safety, if the secretary meets all statutory qualifications for that position.

25-43-1403. Division of Law Enforcement Standards and Training.

There is created within the Department of Public Safety the Division of Law Enforcement Standards and Training.

SECTION 2. Arkansas Code § 3-2-303(a) and (b), concerning the authority of the Department of Arkansas State Police, are amended to read as follows:

(a) In addition to the duties otherwise prescribed by law upon the ~~Department~~ Division of Arkansas State Police, it shall be the duty of the ~~department~~ division to assist in enforcing all of the laws of the State of Arkansas against the unlawful manufacture or sale of intoxicating liquors.

(b)(1) The Director of the ~~Department~~ Division of Arkansas State Police, the Deputy Director of the ~~Department~~ Division of Arkansas State Police, captains, lieutenants, rangers, and other employees of the director shall perform such duties as may be prescribed by the director with respect to the enforcement of the laws, and they shall have authority to take affidavits and to swear the persons signing the affidavits with respect to

1 the violation of any law.

2 (2) The false swearing or making of the affidavits shall be  
3 deemed and punished as perjury.

4  
5 SECTION 3. Arkansas Code § 5-64-707 is amended to read as follows:

6 5-64-707. Admissibility of drug analysis – Cross-examination.

7 (a) In any criminal prosecution for an alleged violation of this  
8 chapter, a record or report of any relevant drug analysis made by the State  
9 Crime Laboratory shall be received as competent evidence as to a matter  
10 contained in the record or report in this section in any preliminary hearing  
11 when attested to by the ~~Executive~~ Director of the State Crime Laboratory or  
12 his or her assistant or deputy.

13 (b)(1) Nothing in this section abrogates a defendant’s right of cross-  
14 examination.

15 (2) If the defendant desires to cross-examine the ~~executive~~  
16 director or the appropriate assistant or deputy, the defendant may compel the  
17 ~~executive~~ director or his or her appropriate assistant or deputy to attend  
18 court by the issuance of a proper subpoena.

19 (3) If the defendant compels the ~~executive~~ director or his or  
20 her appropriate assistant or deputy to attend court by the issuance of a  
21 proper subpoena:

22 (A) The record or report is only admissible through the  
23 ~~executive~~ director or the appropriate assistant or deputy; and

24 (B) The ~~executive~~ director or the appropriate assistant or  
25 deputy is subject to cross-examination by the defendant or his or her  
26 counsel.

27  
28 SECTION 4. Arkansas Code § 5-73-302(a), concerning the authority of  
29 the Director the Department of Arkansas State Police to issue a license to  
30 carry a concealed handgun, is amended to read as follows:

31 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
32 may issue a license to carry a concealed handgun to a person qualified as  
33 provided in this subchapter.

34  
35 SECTION 5. Arkansas Code § 5-73-308(a)(1)(A), concerning the authority  
36 of the Director the Department of Arkansas State Police to issue or deny a

1 license to carry a concealed handgun, is amended to read as follows:

2 (a)(1)(A) The Director of the ~~Department~~ Division of Arkansas State  
3 Police may deny a license if within the preceding five (5) years the  
4 applicant has been found guilty of one (1) or more crimes of violence  
5 constituting a misdemeanor or for the offense of carrying a weapon.

6  
7 SECTION 6. The introductory language of Arkansas Code § 5-73-309,  
8 concerning the requirements for a license to carry a concealed handgun, is  
9 amended to read as follows:

10 The Director of the ~~Department~~ Division of Arkansas State Police shall  
11 issue a license to carry a concealed handgun if the applicant:

12  
13 SECTION 7. Arkansas Code § 5-73-309(6), concerning the requirements  
14 for a license to carry a concealed handgun, is amended to read as follows:

15 (6) Is not subject to any federal, state, or local law that  
16 makes it unlawful to receive, possess, or transport any firearm, and has had  
17 his or her background check successfully completed through the ~~Department~~  
18 Division of Arkansas State Police and the Federal Bureau of Investigation's  
19 National Instant Criminal Background Check System;

20  
21 SECTION 8. The introductory language of Arkansas Code § 5-73-310,  
22 concerning the application form for a license to carry a concealed handgun,  
23 is amended to read as follows:

24 The application for a license to carry a concealed handgun shall be  
25 completed, under oath, on a form promulgated by the Director of the  
26 ~~Department~~ Division of Arkansas State Police and shall include only:

27  
28 SECTION 9. The introductory language of Arkansas Code § 5-73-311(a),  
29 concerning the application procedure for a license to carry a concealed  
30 handgun, is amended to read as follows:

31 (a) The applicant for a license to carry a concealed handgun shall  
32 submit the following to the ~~Department~~ Division of Arkansas State Police:

33  
34 SECTION 10. Arkansas Code § 5-73-311(a)(3)(B), concerning the  
35 application procedure for a license to carry a concealed handgun, is amended  
36 to read as follows:

1                   (B) In the event a legible set of fingerprints, as  
2 determined by the ~~department~~ division and the Federal Bureau of  
3 Investigation, cannot be obtained after a minimum of two (2) attempts, the  
4 Director of the ~~Department~~ Division of Arkansas State Police shall determine  
5 eligibility in accordance with criteria that the ~~department~~ division shall  
6 establish by promulgating rules.

7  
8           SECTION 11. Arkansas Code § 5-73-311(a)(4)(A), concerning the  
9 application procedure for a license to carry a concealed handgun, is amended  
10 to read as follows:

11                   (4)(A) A waiver authorizing the ~~department~~ division access to  
12 any medical, criminal, or other records concerning the applicant and  
13 permitting access to all of the applicant's criminal records.

14  
15           SECTION 12. Arkansas Code § 5-73-311(a)(4)(C), concerning the  
16 application procedure for a license to carry a concealed handgun, is amended  
17 to read as follows:

18                   (C) The ~~department~~ division shall maintain the  
19 confidentiality of the medical, criminal, or other records; and

20  
21           SECTION 13. Arkansas Code § 5-73-311(b)(2), concerning the application  
22 procedure for a license to carry a concealed handgun, is amended to read as  
23 follows:

24                   (2)(A) The ~~department~~ division shall forward a notice of the  
25 applicant's application to the sheriff of the applicant's county of residence  
26 and, if applicable, the police chief of the applicant's municipality of  
27 residence.

28                   (B)(i) The sheriff of the applicant's county of residence  
29 and, if applicable, the police chief of the applicant's municipality of  
30 residence may participate, at his or her discretion, in the process by  
31 submitting a voluntary report to the ~~department~~ division containing any  
32 readily discoverable information that he or she feels may be pertinent to the  
33 licensing of any applicant.

34                   (ii) The reporting under subdivision (b)(2)(B)(i) of  
35 this section shall be made within thirty (30) days after the date the notice  
36 of the application was sent by the ~~department~~ division.

1  
2 SECTION 14. Arkansas Code § 5-73-312(a)(2)(A), concerning the  
3 revocation of a license to carry a concealed handgun, is amended to read as  
4 follows:

5 (2)(A) Any law enforcement officer making an arrest of a  
6 licensee for a violation of this subchapter or any other statutory violation  
7 that requires revocation of a license to carry a concealed handgun shall  
8 confiscate the license and forward it to the Director of the ~~Department~~  
9 Division of Arkansas State Police.

10  
11 SECTION 15. Arkansas Code § 5-73-312(b), concerning the revocation of  
12 a license to carry a concealed handgun, is amended to read as follows:

13 (b) When the ~~Department~~ Division of Arkansas State Police receives  
14 notification from any law enforcement agency or court that a licensee has  
15 been found guilty or has pleaded guilty or nolo contendere to any crime  
16 involving the use of a weapon, the license issued under this subchapter is  
17 immediately revoked.

18  
19 SECTION 16. Arkansas Code § 5-73-314(a), concerning a license to carry  
20 a concealed handgun which has been lost, destroyed, or duplicated, is amended  
21 to read as follows:

22 (a) Within thirty (30) days after the changing of a permanent address,  
23 or within thirty (30) days after having a license to carry a concealed  
24 handgun lost, the licensee shall notify the Director of the ~~Department~~  
25 Division of Arkansas State Police in writing of the change or loss.

26  
27 SECTION 17. Arkansas Code § 5-73-314(b)(1) and (2), concerning a  
28 license to carry a concealed handgun which has been lost, destroyed, or  
29 duplicated, are amended to read as follows:

30 (1) Paying the ~~Department~~ Division of Arkansas State Police a  
31 fee established by the director under the Arkansas Administrative Procedure  
32 Act, § 25-15-201 et seq.; and

33 (2) Furnishing a notarized statement to the ~~department~~ division  
34 that the license to carry a concealed handgun has been lost or destroyed or  
35 that a duplicate is requested.

36

1 SECTION 18. Arkansas Code § 5-73-317 is amended to read as follows:  
2 5-73-317. Rules and regulations.

3 The Director of the ~~Department~~ Division of Arkansas State Police may  
4 promulgate rules and regulations to permit the efficient administration of  
5 this subchapter.

6  
7 SECTION 19. Arkansas Code § 5-73-320(a), concerning a handgun license  
8 for certain members of the Arkansas National Guard and military personnel, is  
9 amended to read as follows:

10 (a) The ~~Department~~ Division of Arkansas State Police may issue a  
11 license under this subchapter to a person who:

12 (1) Is currently serving as an active duty member of, or has  
13 recently been honorably discharged from, the United States Armed Forces, the  
14 National Guard, or a reserve component of the United States Armed Forces;

15 (2) Submits the following documents:

16 (A) A completed concealed handgun license application as  
17 prescribed by the ~~department~~ division;

18 (B) A form specified by the Director of the ~~Department~~  
19 Division of Arkansas State Police reflecting the fingerprints of the  
20 applicant;

21 (C) A properly completed and dated certificate from a  
22 concealed handgun carry training instructor who is registered with the  
23 ~~department~~ division;

24 (D) A letter dated and personally signed by a commanding  
25 officer or his or her designee stating that the applicant is of good  
26 character and sound judgment;

27 (E) A form, as designated by the ~~department~~ division,  
28 showing that the applicant has met the military qualification requirements  
29 for issuance and operation of a handgun within one (1) year of the  
30 application date;

31 (F) A copy of the face or photograph side of a current  
32 uniformed services of the United States identification card, if the applicant  
33 is a member of the United States Armed Forces; and

34 (G) An electronic passport-style photo of the applicant,  
35 if the applicant does not hold an Arkansas driver's license or identification  
36 card; and

1 (3) Submits any required fees.

2  
 3 SECTION 20. Arkansas Code § 5-73-322(g)(1), concerning concealed  
 4 handguns in a university, college, or community college building, is amended  
 5 to read as follows:

6 (g)(1) A licensee who intends to carry a concealed handgun in the  
 7 buildings and on the grounds of a public university, public college, or  
 8 community college is required to complete a training course approved by the  
 9 Director of the ~~Department~~ Division of Arkansas State Police.

10 (2)(A) Training required under this subsection shall:

- 11 (i) Not be required to be renewed;
- 12 (ii) Consist of a course of up to eight (8) hours;
- 13 (iii) Be offered by all training instructors and at  
 14 all concealed carry training courses; and
- 15 (iv) Cost no more than a nominal amount.

16  
 17 SECTION 21. Arkansas Code § 5-73-322(g)(2)(B), concerning concealed  
 18 handguns in a university, college, or community college building, is amended  
 19 to read as follows:

20 (B) The Director of the ~~Department~~ Division of Arkansas  
 21 State Police may waive up to four (4) hours of training required under this  
 22 subsection for a licensee based on the licensee's prior training attended  
 23 within ten (10) years of applying for the endorsement provided for under  
 24 subdivision (g)(3) of this section on appropriate topics.

25  
 26 SECTION 22. Arkansas Code § 5-73-322(g)(3), concerning concealed  
 27 handguns in a university, college, or community college building, is amended  
 28 to read as follows:

29 (3) A licensee who completes a training course under this  
 30 subsection shall be given a concealed carry endorsement by the ~~Department~~  
 31 Division of Arkansas State Police on his or her license to carry a concealed  
 32 handgun that the person is permitted to possess and carry a concealed handgun  
 33 in the buildings and on the grounds of a public university, public college,  
 34 or community college.

35  
 36 SECTION 23. Arkansas Code § 5-73-322(i), concerning concealed handguns

1 in a university, college, or community college building, is amended to read  
2 as follows:

3 (i) The ~~department~~ division shall maintain a list of licensees who  
4 have successfully completed a training course under subsection (g) of this  
5 section.

6  
7 SECTION 24. Arkansas Code § 6-10-121(b), concerning tornado safety  
8 drills, is amended to read as follows:

9 (b) The Director of the ~~Arkansas Department~~ Division of Emergency  
10 Management shall require all public schools to conduct tornado safety drills  
11 not less than three (3) times per year in the months of September, January,  
12 and February.

13  
14 SECTION 25. Arkansas Code § 12-8-101(a), concerning the creation of  
15 the Department of Arkansas State Police, is amended to read as follows:

16 (a) There is created the ~~Department~~ Division of Arkansas State Police  
17 for the purposes of enforcing the motor vehicle laws, traffic laws, and other  
18 state laws relating to protecting and properly maintaining the state highway  
19 system of the State of Arkansas and to render more effective the apprehension  
20 of criminals and the enforcement of criminal law.

21  
22 SECTION 26. Arkansas Code § 12-8-103(a)(3), concerning the powers,  
23 duties, and restrictions of the Arkansas State Police Commission, is amended  
24 to read as follows:

25 (3) Review each application for employment presented to it by  
26 the Director of the ~~Department~~ Division of Arkansas State Police for  
27 certification to the eligibility list.

28  
29 SECTION 27. Arkansas Code § 12-8-103(c), concerning the powers,  
30 duties, and restrictions of the Arkansas State Police Commission, is amended  
31 to read as follows:

32 (c) The members of the commission are granted disciplinary authority  
33 equal to that of supervisory and administrative personnel of the ~~Department~~  
34 Division of Arkansas State Police with respect to violations of rules and  
35 regulations committed by a ~~department~~ division employee in the presence of a  
36 commissioner.

1  
2 SECTION 28. Arkansas Code § 12-8-104 is amended to read as follows:  
3 12-8-104. Director.

4 (a)(1)(A) After conferring with the members of the Arkansas State  
5 Police Commission, the Governor shall appoint a Director of the ~~Department~~  
6 Division of Arkansas State Police who shall be the executive and  
7 administrative head of the ~~Department~~ Division of Arkansas State Police and  
8 shall receive a salary as fixed by law.

9 (B) The Director of the ~~Department~~ Division of Arkansas  
10 State Police shall serve at the pleasure of the Governor.

11 (2) The Director of the ~~Department~~ Division of Arkansas State  
12 Police shall be of good moral character and a resident and a qualified  
13 elector of the State of Arkansas.

14 (3) In addition to all other qualifications contained in this  
15 section, the Director of the ~~Department~~ Division of Arkansas State Police, at  
16 the time of appointment to the position of Director of the ~~Department~~  
17 Division of Arkansas State Police, shall either:

18 (A) Be a college graduate with at least a bachelor's  
19 degree in criminology, business administration, or a related field;

20 (B) Have graduated from a standard high school or  
21 vocational school and have eight (8) years' previous experience in law  
22 enforcement or a related field with considerable supervisory and  
23 administrative experience; or

24 (C) Have at least ten (10) years' experience in law  
25 enforcement.

26 (b) The Director of the ~~Department~~ Division of Arkansas State Police  
27 shall determine the number of other officers and patrol personnel to be  
28 employed by the ~~Department~~ Division of Arkansas State Police, and they shall  
29 be paid salaries according to rank, not exceeding the salaries provided.

30 (c) The Director of the ~~Department~~ Division of Arkansas State Police  
31 shall promulgate such rules as are necessary for the efficient operation of  
32 the ~~Department~~ Division of Arkansas State Police and for the enforcement of  
33 such duties as are prescribed in this chapter.

34 (d) The Director of the ~~Department~~ Division of Arkansas State Police  
35 shall keep the books and records of the ~~Department~~ Division of Arkansas State  
36 Police, which shall be audited as the books and accounts of other state

1 departments.

2 (e) An annual report to the ~~Governor~~ secretary and a biannual report  
3 to the General Assembly showing the activities, number of arrests, amounts  
4 collected by the ~~Department~~ Division of Arkansas State Police, and  
5 disposition of all cases shall be made by the Director of the ~~Department~~  
6 Division of Arkansas State Police.

7 (f)(1) The Director of the ~~Department~~ Division of Arkansas State  
8 Police shall have supervision and control for the purpose of discipline and  
9 proper management of all the members and employees of the ~~Department~~ Division  
10 of Arkansas State Police.

11 (2)(A) The Director of the ~~Department~~ Division of Arkansas State  
12 Police may designate that some or all employees of the ~~Department~~ Division of  
13 Arkansas State Police be trained pursuant to a memorandum of understanding  
14 between the State of Arkansas and the United States Department of Justice or  
15 the United States Department of Homeland Security concerning the enforcement  
16 of federal immigration laws on federal and interstate highways in the State  
17 of Arkansas.

18 (B) The amount spent for training employees of the  
19 ~~Department~~ Division of Arkansas State Police under the memorandum of  
20 understanding between the State of Arkansas and the United States Department  
21 of Justice or the United States Department of Homeland Security shall be paid  
22 in accordance with the provisions of § 12-8-118.

23 (3)(A) Upon request of the Director of State Highways and  
24 Transportation, the Director of the ~~Department~~ Division of Arkansas State  
25 Police may designate certified law enforcement officers from the Arkansas  
26 Highway Police Division of the Arkansas Department of Transportation to be  
27 trained under the terms of the memorandum of understanding described in  
28 subdivision (f)(2) of this section.

29 (B) The amount spent for training certified law  
30 enforcement officers from the Arkansas Highway Police Division of the  
31 Arkansas Department of Transportation shall be paid by the Arkansas  
32 Department of Transportation.

33 (g) The Director of the ~~Department~~ Division of Arkansas State Police  
34 may establish such divisions within the ranks of the ~~Department~~ Division of  
35 Arkansas State Police as he or she may deem necessary and proper.

36 (h) Whenever in the Director of the ~~Department~~ Division of Arkansas

1 State Police's discretion the action is necessary for the efficient operation  
 2 of the ~~Department~~ Division of Arkansas State Police, the Director of the  
 3 ~~Department~~ Division of Arkansas State Police may:

4 (1) Transfer, assign, and reassign from one division to another  
 5 division any member of the ~~Department~~ Division of Arkansas State Police or  
 6 other employee of the ~~Department~~ Division of Arkansas State Police; or

7 (2)(A) Subject to the approval of the commission, promote or  
 8 demote in rank any member of the ~~Department~~ Division of Arkansas State  
 9 Police.

10 (B) However, any demotion pursuant to subdivision  
 11 (h)(2)(A) of this section shall be for nondisciplinary reasons.

12 (i) Due to the exacting and special duties of the Director of the  
 13 ~~Department~~ Division of Arkansas State Police, he or she may draw an expense  
 14 allowance in an amount not to exceed six hundred dollars (\$600) per month.

15 (j)(1) Subject to the provisions of subsection (f) of this section,  
 16 the Director of the ~~Department~~ Division of Arkansas State Police may  
 17 negotiate the terms of a memorandum of understanding between the State of  
 18 Arkansas and the United States Department of Justice or the United States  
 19 Department of Homeland Security concerning the enforcement of federal  
 20 immigration laws.

21 (2)(A) The memorandum of understanding described in subdivision  
 22 (j)(1) of this section must be signed on behalf of the State of Arkansas by  
 23 the Director of the ~~Department~~ Division of Arkansas State Police, the  
 24 Governor, and the Director of the Division of Law Enforcement Standards and  
 25 Training.

26 (B) Prior to the signing provided for by subdivision  
 27 (j)(2)(A) of this section, the memorandum of understanding shall be reviewed  
 28 by the Legislative Council.

29 (k) The Director of the ~~Department~~ Division of Arkansas State Police  
 30 shall implement or assist other entities to develop and implement a public  
 31 service campaign concerning racial profiling and may utilize brochures,  
 32 flyers, or public service announcements.

33  
 34 SECTION 29. Arkansas Code § 12-8-105 is amended to read as follows:  
 35 12-8-105. Officers and members – Oath.

36 (a) Before entering upon their duties, all members and officers of the

1 ~~Department~~ Division of Arkansas State Police shall take the oath as now  
2 provided by law for public officials.

3 (b) The Director of the ~~Department~~ Division of Arkansas State Police  
4 shall take the additional oath that he or she will not be either directly or  
5 indirectly interested in any purchase made by or for the ~~department~~ division.

6 (c) Any violation of oath shall constitute perjury and upon conviction  
7 shall be punished accordingly.

8 (d) The oath provided for in this section shall be filed in duplicate,  
9 the original filed with the ~~department~~ division and a copy with the Secretary  
10 of the Arkansas State Police Commission.

11  
12 SECTION 30. The introductory language of Arkansas Code § 12-8-  
13 106(a)(1), concerning the duties, powers, and restrictions of the Department  
14 of Arkansas State Police, is amended to read as follows:

15 (a)(1) It shall be the duty of the ~~Department~~ Division of Arkansas  
16 State Police to:

17  
18 SECTION 31. Arkansas Code § 12-8-106(a)(2), concerning the duties,  
19 powers, and restrictions of the Department of Arkansas State Police, is  
20 amended to read as follows:

21 (2) The Director of the ~~Department~~ Division of Arkansas State  
22 Police may promulgate necessary rules and regulations to carry out the  
23 purpose and intent of subdivision (a)(1)(B) of this section.

24  
25 SECTION 32. Arkansas Code § 12-8-106(b) and (c), concerning the  
26 duties, powers, and restrictions of the Department of Arkansas State Police,  
27 are amended to read as follows:

28 (b) The ~~department~~ Division of Arkansas State Police shall be  
29 conservators of the peace and as such shall have the powers possessed by  
30 police officers in cities and county sheriffs in counties, except that the  
31 department may exercise such powers anywhere in this state.

32 (c) The ~~department~~ Division of Arkansas State Police shall have the  
33 authority to establish a Crimes Against Children Division, either through  
34 transfer or by contract, to conduct child abuse investigations, to administer  
35 the Child Abuse Hotline, and, when consistent with regulations promulgated by  
36 the department, to provide training and technical assistance to local law

1 enforcement in conducting child abuse investigations.

2  
3 SECTION 33. Arkansas Code § 12-8-106(e)-(g), concerning the duties,  
4 powers, and restrictions of the Department of Arkansas State Police, are  
5 amended to read as follows:

6 (e) However, this chapter shall not be construed so as to take away  
7 any authority of the regularly constituted peace officers in the state, but  
8 the ~~department~~ Division of Arkansas State Police shall cooperate with them in  
9 the enforcement of the criminal laws of the state and assist such officers  
10 either in the enforcement of the law or apprehension of criminals.

11 (f) Nothing in this chapter shall be construed as to authorize any  
12 officer of the ~~department~~ Division of Arkansas State Police to serve writs  
13 unless they are specifically directed to the ~~department~~ Division of Arkansas  
14 State Police, or an officer thereof, by the issuing authority.

15 (g) No officer or member of the ~~department~~ Division of Arkansas State  
16 Police shall ever be used in performing police duties on private property in  
17 connection with any strike, lockout, or other industrial disturbance.

18  
19 SECTION 34. Arkansas Code § 12-8-107 is amended to read as follows:  
20 12-8-107. Arrests and detentions.

21 (a) If any officer of the ~~Department~~ Division of Arkansas State Police  
22 delivers an arrested person to a county jail for detention, it shall be the  
23 duty of the jailer to receive the prisoner.

24 (b) The ~~department~~ division officer may notify the county sheriff or  
25 prosecuting officer of the county in which the crime was committed of the  
26 arrest and detention of the prisoner and make such lawful disposition of the  
27 prisoner as the ~~department~~ division officer is directed to do by the county  
28 sheriff or prosecuting officer.

29  
30 SECTION 35. Arkansas Code § 12-8-108 is amended to read as follows:  
31 12-8-108. Security of Governor, capitol building, etc.

32 (a) The ~~Department~~ Division of Arkansas State Police shall be  
33 responsible for the safety and security of the:

- 34 (1) Governor and his or her family;  
35 (2) Lieutenant Governor and his or her family;  
36 (3) Governor's Mansion and mansion grounds; and

1 (4) State Capitol Building and grounds.

2 (b) The ~~department~~ division is authorized to assign officers of the  
 3 ~~department~~ division in such numbers and to such locations as is necessary to  
 4 carry out the responsibility imposed on the ~~department~~ division by this  
 5 section.

6 (c) Data, records, surveillance footage, security procedures,  
 7 emergency plans, and other information compiled or possessed by the  
 8 ~~department~~ division concerning the Governor's Mansion and mansion grounds are  
 9 confidential and not subject to disclosure under the Freedom of Information  
 10 Act of 1967, § 25-19-101 et seq.

11  
 12 SECTION 36. Arkansas Code § 12-8-109 is amended to read as follows:

13 12-8-109. Police protection for statewide functions.

14 (a) The ~~Department~~ Division of Arkansas State Police shall provide  
 15 police protection, commensurate with the available personnel and resources of  
 16 the ~~department~~ division which are not required for other activities,  
 17 benefiting any statewide function or similar activities sponsored or  
 18 conducted by:

- 19 (1) A state agency, board, or commission;
- 20 (2) A state-supported college or university;
- 21 (3) A private nonprofit association or organization on public  
 22 property; or
- 23 (4) Statewide athletic events under the auspices of the public  
 24 schools.

25 (b) For the purposes of this section, the statewide functions for  
 26 which the ~~department~~ division may provide police protection at the Arkansas  
 27 State Fair and Livestock Showgrounds shall include the annual Arkansas State  
 28 Fair and Livestock Show held at the showgrounds, and statewide athletic  
 29 contests in which the public schools of this state participate which are held  
 30 at the showgrounds.

31  
 32 SECTION 37. Arkansas Code § 12-8-110 is amended to read as follows:

33 12-8-110. Deputizing citizens in emergency.

34 Any ~~Department~~ Division of Arkansas State Police officer shall have the  
 35 authority in case of emergency to call upon and deputize any reputable  
 36 citizen of the state for assistance whenever it is deemed necessary for the

1 proper enforcement of the law.

2  
 3 SECTION 38. Arkansas Code § 12-8-111 is amended to read as follows:  
 4 12-8-111. Cooperation among agencies.

5 (a) It shall be the duty of the ~~Department~~ Division of Arkansas State  
 6 Police and its officers to cooperate with other law enforcement agencies of  
 7 this state in the investigation and apprehension of criminals and the  
 8 prevention of crime within the state and to use every means at their disposal  
 9 in disseminating information that will more effectively expedite the  
 10 detection of crime and the apprehension and conviction of criminals and  
 11 promote the highest possible degree of efficiency in the enforcement of the  
 12 criminal and traffic laws of the state.

13 (b) The law enforcement agencies of the state shall furnish to the  
 14 ~~department~~ division such information as they may have or shall hereafter  
 15 acquire upon request of the Director of the ~~Department~~ Division of Arkansas  
 16 State Police relating to crime and criminals and otherwise cooperate with the  
 17 ~~department~~ division in the enforcement of the criminal and traffic laws of  
 18 this state.

19  
 20 SECTION 39. Arkansas Code § 12-8-112 is amended to read as follows:  
 21 12-8-112. Headquarters – Bureau of Identification and Information.

22 (a) The ~~Department~~ Division of Arkansas State Police shall maintain  
 23 headquarters and an Identification Bureau which shall be located at the State  
 24 Capitol or elsewhere in ~~the City of Little Rock~~ Pulaski County.

25 (b) The ~~department~~ division may establish district headquarters in  
 26 other parts of the state if it is found to be necessary for the better  
 27 enforcement of the provisions of this chapter. The Director of the ~~Department~~  
 28 Division of Arkansas State Police shall have the authority to assign the  
 29 personnel for the district headquarters when designated.

30  
 31 SECTION 40. Arkansas Code § 12-8-113 is amended to read as follows:  
 32 12-8-113. Drug Abuse Enforcement Unit – Hot line.

33 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
 34 is directed to establish a Drug Abuse Enforcement Unit and assign sufficient  
 35 supervisory, clerical, and enforcement personnel to carry out the duties and  
 36 responsibilities of that unit as defined by the Uniform Controlled Substances

1 Act, § 5-64-101 et seq.

2 (b)(1) The unit shall operate a “drug abuse hot line” to allow  
3 citizens to use a toll-free in-watts telephone line to report to the  
4 ~~Department~~ Division of Arkansas State Police information regarding possible  
5 violations of the Uniform Controlled Substances Act, § 5-64-101 et seq., and  
6 other provisions of Arkansas law relating to unlawful use of drugs.

7 (2) The ~~department~~ division shall encourage citizen involvement  
8 in combating drug-related crimes by publicizing the existence of the drug  
9 abuse hot line.

10  
11 SECTION 41. Arkansas Code § 12-8-114(a) and (b), concerning legal  
12 counsel and advisors for the Arkansas State Police Commission and the  
13 Department of Arkansas State Police, are amended to read as follows:

14 (a) The Attorney General shall be the legal representative and advisor  
15 of the Arkansas State Police Commission, the ~~Department~~ Division of Arkansas  
16 State Police, and the Director of the ~~Department~~ Division of Arkansas State  
17 Police.

18 (b) However, the director, with the approval of the Attorney General  
19 and Governor, may employ other counsel when in the Attorney General’s and  
20 Governor’s judgment it is necessary for the proper enforcement of the  
21 provisions of this chapter and the efficient operation of the ~~department~~  
22 division.

23  
24 SECTION 42. Arkansas Code § 12-8-115 is amended to read as follows:  
25 12-8-115. Physicians and surgeons.

26 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
27 may designate one (1) physician and surgeon in each district of the state who  
28 shall be the physician and surgeon of the ~~Department~~ Division of Arkansas  
29 State Police within and for the district.

30 (b)(1) The physician and surgeon shall conduct the physical  
31 examinations required by this chapter and give medical treatment to any  
32 member or officer of the ~~department~~ division for injuries received while in  
33 the performance of official duty.

34 (2) The physician and surgeon shall be given honorary  
35 commissions by the director and shall serve without pay.

36

1 SECTION 43. Arkansas Code § 12-8-116 is amended to read as follows:  
2 12-8-116. Motor vehicles.

3 (a)(1) All automobiles, motorcycles, or other vehicles of any nature  
4 owned, used, and operated by the ~~Department~~ Division of Arkansas State Police  
5 shall be exempt from the payment of any licenses, fees, and charges required  
6 by the laws of this state for the operation of the vehicles upon the public  
7 highways of this state.

8 (2) The Director of the ~~Department~~ Division of Arkansas State  
9 Police and the ~~Director~~ Secretary of the Department of Finance and  
10 Administration shall adopt identification tags or other insignia which shall  
11 be attached to the vehicles by the officers, members, and employees of the  
12 ~~Department of Arkansas State Police~~ division, for which tag or insignia no  
13 charge shall be made or collected.

14 (b) The ~~Department~~ Division of Arkansas State Police is granted  
15 authority to purchase used vehicles for use in confidential assignments and  
16 drug investigations.

17  
18 SECTION 44. Arkansas Code § 12-8-118 is amended to read as follows:  
19 12-8-118. Payment of salaries and expenses.

20 The salaries and expenses provided for in this chapter shall be paid by  
21 warrant upon a voucher properly drawn by the Director of the ~~Department~~  
22 Division of Arkansas State Police and paid out of any funds now available for  
23 the payment of salaries and expenses of the ~~Department~~ Division of Arkansas  
24 State Police from the ~~Department~~ Division of Arkansas State Police Fund or  
25 any other fund as provided by law.

26  
27 SECTION 45. Arkansas Code § 12-8-119(a), concerning the police  
28 training school, is amended to read as follows:

29 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
30 may establish, maintain, and conduct a police training school and may admit  
31 to the training school police officers and judicial officers of the various  
32 political subdivisions of the State of Arkansas.

33  
34 SECTION 46. Arkansas Code § 12-8-120 is amended to read as follows:  
35 12-8-120. Background investigations.

36 (a) The ~~Department~~ Division of Arkansas State Police is authorized to

1 charge a fee, not to exceed twenty dollars (\$20.00), for each background  
2 investigation requested of and conducted by the ~~department~~ division.

3 (b) The background investigation fee shall be collected by the  
4 ~~department~~ division and deposited into the State Treasury as special revenue  
5 to the credit of the ~~Department~~ Division of Arkansas State Police Fund.  
6

7 SECTION 47. Arkansas Code § 12-8-121 is amended to read as follows:  
8 12-8-121. Use of state uniform, patch, or logo prohibited.

9 (a) It shall be prohibited for any law enforcement agency, private  
10 security firm, corporation, partnership, or individual to wear a uniform in  
11 the same design and specific color scheme as the ~~Department~~ Division of  
12 Arkansas State Police.

13 (b) No law enforcement agency, private security firm, corporation,  
14 partnership, or individual may use the Arkansas State Police uniform or  
15 patch, nor may the Arkansas State Police logo or the terms "Arkansas State  
16 Police", "Arkansas State Trooper", or "Arkansas State Troopers" be used or  
17 otherwise displayed for the endorsement of any product, business, or purpose  
18 without the express written permission of the Director of the ~~Department~~  
19 Division of Arkansas State Police.

20 (c) Nothing in this section shall prohibit uniforms or commercial  
21 concerns from reproducing these items for ~~department~~ division use, nor the  
22 public display of the uniform, patch, or logo when it relates to official  
23 governmental business.  
24

25 SECTION 48. Arkansas Code § 12-8-125(a), concerning the Small  
26 Municipality Law Enforcement Vehicle Grant Program, is amended to read as  
27 follows:

28 (a) There is created the "Small Municipality Law Enforcement Vehicle  
29 Grant Program", to be administered by the ~~Department~~ Division of Arkansas  
30 State Police with funding from the General Improvement Fund or its successor  
31 fund or fund accounts.  
32

33 SECTION 49. Arkansas Code § 12-8-125(c)(1), concerning the Small  
34 Municipality Law Enforcement Vehicle Grant Program, is amended to read as  
35 follows:

36 (c)(1) The ~~Department of Arkansas State Police~~ Division shall

1 promulgate rules necessary for the implementation of the program.

2  
3 SECTION 50. Arkansas Code § 12-8-125(e), concerning the Small  
4 Municipality Law Enforcement Vehicle Grant Program, is amended to read as  
5 follows:

6 (e) If the ~~Department~~ Division of Arkansas State Police awards a grant  
7 to a city of the second class or incorporated town under this section, the  
8 ~~Department of Arkansas State Police~~ division shall pay the grant funds for  
9 the purchase of a used vehicle directly to the Marketing and Redistribution  
10 Section within the Office of State Procurement of the Department of Finance  
11 and Administration.

12  
13 SECTION 51. Arkansas Code § 12-8-201(a)-(c), concerning the selection  
14 of the members of the police force, are amended to read as follows:

15 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
16 shall appoint all members of the police force, subject to approval of the  
17 Arkansas State Police Commission, and the director shall select the clerical  
18 and stenographic force of the ~~Department~~ Division of Arkansas State Police.

19 (b) The commission shall promulgate rules and regulations setting  
20 forth the minimum qualifications for employment as a ~~department~~ division  
21 police officer and prescribing the manner of examination of applicants for  
22 the position.

23 (c) The director shall receive all applications for positions as  
24 ~~department~~ division officers and submit them to the commission for  
25 examination as to the physical fitness and mental qualifications of the  
26 applicants and for such other examinations as provided for by the  
27 commission's rules and regulations.

28  
29 SECTION 52. Arkansas Code § 12-8-201(e)(2), concerning the selection  
30 of the members of the police force, is amended to read as follows:

31 (2) From this list, the director shall make the final selection  
32 for the appointments, and any vacancy occurring in the ~~department~~ division  
33 shall be filled from this list.

34  
35 SECTION 53. Arkansas Code § 12-8-203(a), concerning the probationary  
36 period of a parole officer, is amended to read as follows:

1 (a)(1) Each person who is selected as a police officer of the  
 2 ~~Department~~ Division of Arkansas State Police shall be a probationer for a  
 3 period of eighteen (18) months from his or her date of hire.

4 (2) A probationer may be discharged by the Director of the  
 5 ~~Department~~ Division of Arkansas State Police with the approval of the  
 6 Arkansas State Police Commission with or without cause.

7  
 8 SECTION 54. Arkansas Code § 12-8-204 is amended to read as follows:  
 9 12-8-204. Tenure – Removal, suspension, or discharge.

10 (a) The members of the ~~Department~~ Division of Arkansas State Police  
 11 shall hold their offices until and unless removed for cause.

12 (b) Should the Director of the ~~Department~~ Division of Arkansas State  
 13 Police deem it necessary to remove, suspend, discharge, demote, or transfer  
 14 for disciplinary reasons any ~~department~~ division officer, the director shall  
 15 do so by written notice.

16 (c)(1) Any ~~department~~ division officer so removed, suspended,  
 17 discharged, demoted, or transferred shall have the right of appeal to the  
 18 Arkansas State Police Commission, provided that notice of the appeal shall be  
 19 lodged with the commission within ten (10) days after notice to the officer  
 20 of his or her discharge, removal, suspension, demotion, or disciplinary  
 21 transfer.

22 (2) When so filed, the appeal shall be heard and determined by  
 23 the commission within a reasonable time from the date the appeal is filed  
 24 with the commission.

25 (d)(1) Provided the appeal is perfected within thirty (30) days from  
 26 the date of the final order made by the commission, an appeal may be taken to  
 27 the Pulaski County Circuit Court from any order of the commission  
 28 discharging, removing, suspending, demoting, or transferring for disciplinary  
 29 reasons any member of the ~~department~~ division force.

30 (2) The appeal shall be heard by the court without the  
 31 introduction of any further testimony.

32  
 33 SECTION 55. Arkansas Code § 12-8-213 is amended to read as follows:  
 34 12-8-213. Equipment and uniforms.

35 (a) Such motorcycles, automobiles, and other vehicles, equipment, and  
 36 supplies as may be necessary for the proper and efficient operation of the

1 ~~Department~~ Division of Arkansas State Police and as may be necessary for the  
 2 proper enforcement of this chapter shall be furnished to the officers and  
 3 patrol personnel by the ~~department~~ division.

4 (b) The officers and patrol personnel shall wear and display upon  
 5 their person a metal badge or other insignia as the director ~~of the~~  
 6 ~~department~~ shall require, bearing the words "Arkansas State Police".

7 (c) All such patrol personnel and officers shall wear such uniforms at  
 8 such times and places as shall be designated and required by the ~~Director of~~  
 9 ~~the Department of Arkansas State Police~~ director.

10  
 11 SECTION 56. Arkansas Code § 12-8-215(a) and (b), concerning additional  
 12 salary payments by the Department of Arkansas State Police, is amended to  
 13 read as follows:

14 (a) In the event that sufficient revenues in the judgment of the  
 15 Director of the ~~Department~~ Division of Arkansas State Police exist, the  
 16 ~~Department~~ Division of Arkansas State Police is authorized to make additional  
 17 salary payments from such funds to those employees who have attained law  
 18 enforcement certification above the basic certificate level, as defined by  
 19 the Arkansas Commission on Law Enforcement Standards and Training.

20 (b) It is the intent of this section that such payment shall be  
 21 optional, at the discretion of the director, dependent on sufficient  
 22 revenues, and shall not be implemented using funds specifically set aside for  
 23 other programs within the ~~department~~ division.

24  
 25 SECTION 57. Arkansas Code § 12-8-215(c)(2)(A), concerning additional  
 26 salary payments by the Department of Arkansas State Police, is amended to  
 27 read as follows:

28 (A) Director of the ~~Department~~ Division of Arkansas State  
 29 Police;

30  
 31 SECTION 58. Arkansas Code § 12-8-301 is amended to read as follows:  
 32 12-8-301. Title.

33 This subchapter shall be known and may be cited as the "~~Department~~  
 34 Division of Arkansas State Police Communications Equipment Leasing Act".

35  
 36 SECTION 59. Arkansas Code § 12-8-303(1), concerning the definition of

1 "acquire" under the Department of Arkansas State Police Communications  
 2 Equipment Leasing Act, is amended to read as follows:

3 (1) "Acquire" means to acquire by lease, lease-purchase, or  
 4 otherwise, construct, repair, alter, install, restore, or place on any land  
 5 or in any building or motor vehicle any communications equipment by  
 6 negotiation or bidding upon such terms and conditions as are determined by  
 7 the Arkansas State Police Commission to be in the best interests of the  
 8 ~~Department~~ Division of Arkansas State Police and that will most effectively  
 9 serve the purposes of this subchapter;

10  
 11 SECTION 60. Arkansas Code § 12-8-303(5) and (6), concerning the  
 12 definition of "department" and "director" under the Department of Arkansas  
 13 State Police Communications Equipment Leasing Act, are repealed.

14 (5) ~~"Department" means the Department of Arkansas State Police,~~  
 15 ~~created by § 12-8-101, and any successor agency;~~

16 (6) ~~"Director" means the Director of the Department of Arkansas~~  
 17 ~~State Police;~~

18  
 19 SECTION 61. Arkansas Code § 12-8-303(8), concerning the definition of  
 20 "lease payments" under the Department of Arkansas State Police Communications  
 21 Equipment Leasing Act, is amended to read as follows:

22 (8) "Lease payments" means payments to be made by the ~~department~~  
 23 division from pledged revenues or other legally available sources to pay  
 24 costs of communications equipment; and

25  
 26 SECTION 62. Arkansas Code § 12-8-305(a)(1)(A), concerning additional  
 27 powers of the Arkansas State Police Commission, is amended to read as  
 28 follows:

29 (1)(A) Acquire, construct, repair, renovate, alter, maintain,  
 30 and equip communications equipment for use by the ~~Department~~ Division of  
 31 Arkansas State Police.

32  
 33 SECTION 63. Arkansas Code § 12-8-305(a)(2), concerning additional  
 34 powers of the Arkansas State Police Commission, is amended to read as  
 35 follows:

36 (2) Contract for the lease, lease-purchase, or purchase of the

1 communications equipment on such terms and conditions as are specified by  
2 this subchapter and approved by the Director of the ~~Department~~ Division of  
3 Arkansas State Police with the consent of the commission;

4  
5 SECTION 64. Arkansas Code § 12-8-305(a)(12), concerning additional  
6 powers of the Arkansas State Police Commission, is amended to read as  
7 follows:

8 (12) Arrange for the use of such communications equipment by any  
9 federal, state, or local governmental agency or any other person, from time  
10 to time, as any of such communications equipment is not needed by the  
11 ~~department~~ division and collect fees and charges, as the commission  
12 determines to be reasonable, in connection with the use of any communications  
13 equipment by any other person;

14  
15 SECTION 65. Arkansas Code § 12-8-305(b), concerning additional powers  
16 of the Arkansas State Police Commission, is amended to read as follows:

17 (b) All the powers, purposes, and authorities set forth in subsection  
18 (a) of this section, except those relating to the contracting for the lease,  
19 purchase, or lease-purchase of the communications equipment, may be carried  
20 out by the ~~department~~ division.

21  
22 SECTION 66. Arkansas Code § 12-8-403(a)(1), concerning inquiry to  
23 determine abuse by the Director of the Department of Arkansas State Police is  
24 amended to read as follows:

25 (a)(1) Upon the request of the prosecuting attorney of any judicial  
26 district in which an affected municipality is located, the Director of the  
27 ~~Department~~ Division of Arkansas State Police is authorized to investigate and  
28 determine whether any municipality is abusing police power.

29  
30 SECTION 67. Arkansas Code § 12-8-403(a)(2)(B), concerning inquiry to  
31 determine abuse by the Director of the Department of Arkansas State Police is  
32 amended to read as follows:

33 (B) The records may be over a reasonable period of time as  
34 requested by the ~~Department~~ Division of Arkansas State Police, but in no  
35 event shall there be less than ninety (90) days worth of documentation.

36

1 SECTION 68. Arkansas Code § 12-8-404(a)(1), concerning sanctions by  
2 the Director of the Department of Arkansas State Police, is amended to read  
3 as follows:

4 (a)(1) Upon the completion of an inquiry, the Director of the  
5 ~~Department~~ Division of Arkansas State Police shall forward all information to  
6 the prosecuting attorney of the affected municipality, who will make the  
7 determination as to whether the municipality has abused its police power.  
8

9 SECTION 69. Arkansas Code § 12-8-601 is amended to read as follows:  
10 12-8-601. Title.

11 This subchapter shall be known and may be cited as the "~~Department~~  
12 Division of Arkansas State Police Headquarters Facilities and Equipment  
13 Financing Act".  
14

15 SECTION 70. The introductory language of Arkansas Code § 12-8-602(1),  
16 concerning the legislative findings concerning the Department of Arkansas  
17 State Police Headquarters Facilities and Equipment Financing Act, is amended  
18 to read as follows:

19 (1) The ~~Department~~ Division of Arkansas State Police is faced  
20 daily with:  
21

22 SECTION 71. Arkansas Code § 12-8-602(1), concerning the legislative  
23 findings concerning the Department of Arkansas State Police Headquarters  
24 Facilities and Equipment Financing Act, is amended to read as follows:

25 (B) The need to maintain and develop the most efficient  
26 means of allocating ~~department~~ division personnel and other resources,  
27 particularly in emergency circumstances; and

28 (C) The need to design, construct, and maintain facilities  
29 from which the ~~department's~~ division's personnel and resources may be  
30 stationed and deployed;

31 (2) There is a need to continuously improve, upgrade, expand,  
32 and maintain the ~~department's~~ division's headquarters facilities and  
33 communication and information technology systems and equipment to support the  
34 police force and its mission to protect and serve the citizens of the state;

35 (3) A designated method of financing is necessary to enable the  
36 ~~department~~ division to obtain and maintain communication and information

1 technology equipment and headquarters facilities;

2 (4) The use of tax-exempt revenue bonds to finance communication  
 3 and information technology equipment and headquarters facilities has proven  
 4 to be an economical and cost-efficient method for financing equipment and  
 5 facilities for the department;

6 (5) Certain driver license fees have been pledged and utilized  
 7 by the ~~department~~ division since 1997 to finance equipment and facilities for  
 8 the department;

9 (6) These driver license fees should continue to be designated  
 10 as a source of funding to be utilized and pledged by the ~~department~~ division  
 11 to finance or purchase communication and information technology equipment and  
 12 headquarters facilities;

13  
 14 SECTION 72. Arkansas Code § 12-8-603(1)(A), concerning the definition  
 15 of "acquire" under the Department of Arkansas State Police Headquarters  
 16 Facilities and Equipment Financing Act, is amended to read as follows:

17 (A) Are determined by the Arkansas State Police Commission  
 18 to be in the best interests of the ~~Department~~ Division of Arkansas State  
 19 Police; and

20  
 21 SECTION 73. Arkansas Code § 12-8-603(6)(B), concerning the definition  
 22 of "headquarters facility" under the Department of Arkansas State Police  
 23 Headquarters Facilities and Equipment Financing Act, is amended to read as  
 24 follows:

25 (B) Engineering, design, construction, or architectural  
 26 plans related to a property used by the ~~department~~ division;

27  
 28 SECTION 74. Arkansas Code § 12-8-604(2), concerning the pledge of  
 29 revenues under the Department of Arkansas State Police Headquarters  
 30 Facilities and Equipment Financing Act, is amended to read as follows:

31 (2) Used by the ~~Department~~ Division of Arkansas State Police as  
 32 provided in this subchapter.

33  
 34 SECTION 75. Arkansas Code § 12-8-605(2), concerning the powers of the  
 35 Arkansas State Police Commission, is amended to read as follows:

36 (2) Contract to acquire headquarters facilities and

1 communication and information technology equipment on the terms and  
2 conditions specified by this subchapter and approved by the Director of the  
3 ~~Department~~ Division of Arkansas State Police with the consent of the  
4 commission;

5 (3) Provide for the payment of the costs associated with the  
6 acquisition of headquarters facilities and communication and information  
7 technology equipment from any legally available source, including without  
8 limitation pledged revenues and funds appropriated and made available under §  
9 12-8-101 et seq.;

10 (4) Enter into financing documents and agreements with the  
11 Arkansas Development Finance Authority that are necessary and appropriate to  
12 secure obligations issued by the authority that will facilitate the  
13 acquisition of the headquarters facilities and communication and information  
14 technology equipment; and

15 (5) Take other action, not inconsistent with law, that may be  
16 necessary, convenient, or desirable to carry out the powers, purposes, and  
17 authority stated in this subchapter or to carry out the intent of this  
18 subchapter.

19  
20 SECTION 76. Arkansas Code § 12-8-6066 is amended to read as follows:  
21 12-8-606. Use of pledged revenues.

22 (a)(1) The debt service payments and other costs relating to a  
23 headquarters facility or communication and information technology equipment  
24 shall be secured by a lien on and pledge of the pledged revenues.

25 (2) To the extent that pledged revenues are not required to make  
26 debt service payments, the pledged revenues shall be released to the  
27 ~~Department~~ Division of Arkansas State Police to provide operating funds as  
28 described in this section.

29 (b)(1) All pledged revenues are cash funds restricted in their use and  
30 dedicated and to be used solely as provided in this subchapter.

31 (2) When pledged revenues are received by the Commissioner of  
32 Motor Vehicles, the Office of Motor Vehicle, the ~~Department~~ Division of  
33 Arkansas State Police, the Arkansas State Police Commission, the Department  
34 of Finance and Administration, or any other state agency, the pledged  
35 revenues shall be deposited as cash funds into a bank selected by the  
36 ~~Department~~ Division of Arkansas State Police to the credit of the ~~Department~~

1 Division of Arkansas State Police Financing Fund.

2 (c)(1) On the date that the Arkansas Development Finance Authority  
3 issues bonds under this subchapter and the Arkansas Development Finance  
4 Authority Act, § 15-5-101 et seq., §§ 15-5-201 – 15-5-211, 15-5-213, and 15-  
5 5-301 – 15-5-316, any revenues in the ~~Department~~ Division of Arkansas State  
6 Police Financing Fund shall be pledged revenues.

7 (2) Debt service payments shall be paid from the ~~Department~~  
8 Division of Arkansas State Police Financing Fund as stated in the financing  
9 documents.

10 (3)(A) If all debt service payments have been properly made on  
11 the last day of each fiscal quarter, the pledged revenues remaining in the  
12 ~~Department~~ Division of Arkansas State Police Financing Fund shall be  
13 withdrawn from the ~~Department~~ Division of Arkansas State Police Financing  
14 Fund and deposited into the State Treasury as special revenues to the credit  
15 of the ~~Department~~ Division of Arkansas State Police Fund.

16 (B) However, if any debt service payments remain to be  
17 paid under this subchapter, all moneys in the ~~Department~~ Division of Arkansas  
18 State Police Financing Fund shall continue to be pledged to the debt service  
19 payments and other costs in connection with the bonds and the maintenance of  
20 reserves, notwithstanding the right of the ~~Department~~ Division of Arkansas  
21 State Police to withdraw funds on the last day of each fiscal quarter if debt  
22 service payments are current.

23 (d) If any debt service payments remain to be made, the General  
24 Assembly may modify or change the pledged revenues only if there are always  
25 maintained in effect and made available for the payment of debt service  
26 payments sources of revenue comparable in amount and time of receipt that  
27 produce revenues sufficient to provide for and secure debt service payments  
28 when due.

29  
30 SECTION 77. Arkansas Code § 12-8-607 is amended to read as follows:

31 12-8-607. ~~Department~~ Division of Arkansas State Police Financing Fund.

32 (a) There is created the ~~Department~~ Division of Arkansas State Police  
33 Financing Fund.

34 (b) The fund is a cash fund of the ~~Department~~ Division of Arkansas  
35 State Police and shall be used as provided in this subchapter.

36

1 SECTION 78. Arkansas Code § 12-9-102(1)(B), concerning the definition  
2 of "law enforcement agency" under the laws governing the Commission on Law  
3 Enforcement Standards, is amended to read as follows:

4 (B) The ~~Arkansas Commission on~~ Division of Law Enforcement  
5 Standards and Training and the Black River Technical College Law Enforcement  
6 Training Academy as designated under § 12-9-210; and

7  
8 SECTION 79. Arkansas Code § 12-9-103(b)(1)(A), concerning the  
9 creation, members, meetings, and director of the Arkansas Commission on Law  
10 Enforcement Standards and Training, is amended to read as follows:

11 (b)(1)(A) Two (2) members of the commission shall be chiefs of police  
12 of municipalities in Arkansas, two (2) members of the commission shall be  
13 county sheriffs of counties in this state, one (1) member shall be an officer  
14 of the ~~Department~~ Division of Arkansas State Police, two (2) members shall be  
15 appointed to represent the public, one (1) member shall be an educator in the  
16 field of criminal justice, and one (1) member shall represent the Arkansas  
17 Municipal Police Association.

18  
19 SECTION 80. Arkansas Code § 12-9-103(g), concerning the creation,  
20 members, meetings, and director of the Arkansas Commission on Law Enforcement  
21 Standards and Training, is amended to read as follows:

22 (g) Upon recommendation of the commission, the Governor shall appoint  
23 the Director of the Division of Law Enforcement Standards and Training, who  
24 shall perform such duties as may be directed by the commission and who shall  
25 serve at the pleasure of the Governor, and report to the Secretary of the  
26 Department of Public Safety.

27  
28 SECTION 81. Arkansas Code § 12-9-105 is amended to read as follows:

29 12-9-105. Employees.

30 The ~~Arkansas Commission on~~ Division of Law Enforcement Standards and  
31 Training may employ such employees as are necessary to efficiently and  
32 effectively carry out this subchapter and as may be authorized by  
33 appropriations of the General Assembly.

34  
35 SECTION 82. Arkansas Code § 12-9-107 is amended to read as follows:

36 12-9-107. Training programs.

1 (a)(1) For the purpose of this subchapter, the ~~Arkansas Commission on~~  
2 Division of Law Enforcement Standards and Training may cooperate with  
3 federal, state, and local law enforcement agencies in establishing and  
4 conducting instruction and training programs for law enforcement officers of  
5 this state, its counties, and municipalities.

6 (2) Cooperation under subdivision (a)(1) of this section may  
7 include without limitation the use of any training facility, equipment, or  
8 personnel to conduct training or provide services for any law enforcement or  
9 public safety purpose.

10 (b) The ~~commission~~ division shall establish and maintain police  
11 training programs through such agencies and institutions as the ~~commission~~  
12 division may deem appropriate to carry out the intent of this subchapter.

13 (c) The ~~commission~~ division shall work with each state agency and  
14 political subdivision that adheres to the selection and training standards  
15 established by the commission to provide allowable tuition, living, and  
16 training expenses incurred by the officers in attendance at approved training  
17 programs.

18 (d)(1) It is the intent of this subchapter that the expenses of  
19 attending the approved training programs established under subsection (c) of  
20 this section shall be furnished by the state through the ~~Arkansas Law~~  
21 ~~Enforcement Training Academy~~ division or any other manner that may be  
22 prescribed by the ~~commission~~ division, and no cost or charge shall be made to  
23 any local political subdivision for the actual cost of the training.

24 (2) The state shall not be liable for the travel cost or any  
25 salary in connection with attending any training program.

26 (3) The ~~commission~~ division may accept reimbursement from any  
27 public or private entity for the use of its training facilities, equipment,  
28 or personnel during the providing of services.

29 (e) The expenses of attending training provided pursuant to a  
30 memorandum of understanding between the State of Arkansas and the United  
31 States Department of Justice or the United States Department of Homeland  
32 Security shall be paid in accordance with the provisions of § 12-8-104.

33 (f) The ~~commission~~ division shall administer the training and  
34 certification program for court security officers under the Arkansas Court  
35 Security Act, § 16-10-1001 et seq.

36 (g)(1) Persons such as doctors, nurses, firefighters, first

1 responders, or other medical personnel, persons engaged in homeland security,  
2 or persons otherwise engaged in assisting in the protection of public welfare  
3 and safety who are not law enforcement personnel may attend training or  
4 receive instruction at the invitation of the ~~commission~~ division.

5 (2) The ~~commission~~ division may assess a fee on a person invited  
6 to attend training or receive instruction under this subsection to reimburse  
7 the ~~commission~~ division for costs associated with the training or instruction  
8 under this subsection.

9  
10 SECTION 83. Arkansas Code § 12-9-110(a), concerning the training of  
11 civilians to file parking violations and traffic accident reports, is amended  
12 to read as follows:

13 (a) The Arkansas Commission on Law Enforcement Standards and Training  
14 shall by regulation establish the qualifications including minimum training  
15 standards for persons performing law enforcement-related duties pursuant to  
16 this section within cities of the first class and within other areas of the  
17 State of Arkansas for cadets that are appointed by the Director of the  
18 ~~Department~~ Division of Arkansas State Police.

19  
20 SECTION 84. The introductory language of Arkansas Code § 12-9-110(b),  
21 concerning the training of civilians to file parking violations and traffic  
22 accident reports, is amended to read as follows:

23 (b) Municipal police departments of cities of the first class and the  
24 ~~Department~~ Division of Arkansas State Police may employ persons who do not  
25 meet certification requirements prescribed by the commission, and the persons  
26 may:

27  
28 SECTION 85. The introductory language of Arkansas Code § 12-9-  
29 110(d)(2), concerning the training of civilians to file parking violations  
30 and traffic accident reports, is amended to read as follows:

31 (2) However, the ~~department~~ division and cities of the first  
32 class may establish more stringent training requirements.

33  
34 SECTION 86. Arkansas Code § 12-9-111(a), concerning uniforms, is  
35 amended to read as follows:

36 (a) The Arkansas Commission on Law Enforcement Standards and Training

1 is exempt from § 19-6-109(c) for the purpose of buying uniforms for students  
2 and law enforcement officers employed by the ~~commission~~ division.

3  
4 SECTION 87. Arkansas Code § 12-9-115 is amended to read as follows:

5 12-9-115. Training for constables.

6 After consultation with the Arkansas Constable Association, the  
7 ~~Arkansas Commission on~~ Division of Law Enforcement Standards and Training  
8 shall develop and the Division of Law Enforcement Standards and Training  
9 shall certify a training course of one hundred ten (110) hours to one hundred  
10 sixty (160) hours for constables in accordance with § 14-14-1314.

11  
12 SECTION 88. Arkansas Code § 12-9-117 is amended to read as follows:

13 12-9-117. Award of pistol upon retirement or death of a certified law  
14 enforcement officer employed by the ~~commission~~ division.

15 (a) When a certified law enforcement officer employed by the ~~Arkansas~~  
16 ~~Commission on~~ Division of Law Enforcement Standards and Training or a by a  
17 state-funded law enforcement training academy retires from service or dies  
18 while still employed with the ~~commission~~ division or the state-funded law  
19 enforcement training academy, in recognition of and appreciation for the  
20 service of the retiring or deceased certified law enforcement officer, the  
21 commission, the department, or the state-funded law enforcement training  
22 academy may award the pistol carried by the certified law enforcement officer  
23 at the time of his or her death or retirement from service to:

24 (1) The certified law enforcement officer; or

25 (2) The certified law enforcement officer's spouse if the spouse  
26 is eligible under applicable state and federal laws to possess a firearm.

27 (b)(1) A certified law enforcement officer employed by the ~~commission~~  
28 division or a state-funded law enforcement training academy may retain his or  
29 her pistol he or she carried at the time of his or her retirement from  
30 service.

31 (2) If the certified law enforcement officer dies while he or  
32 she is employed by the ~~commission~~ division or a state-funded law enforcement  
33 training academy, his or her spouse may receive or retain the pistol carried  
34 by the certified law enforcement officer at the time of his or her death, if  
35 the spouse is eligible under applicable state and federal laws to possess a  
36 firearm.

1  
 2 SECTION 89. Arkansas Code § 12-9-119(e), concerning behavioral health  
 3 crisis intervention training, is amended to read as follows:

4 (e) All training required under this section and the curriculum for  
 5 the training shall be developed by the Division of Law Enforcement Standards  
 6 and Training, ~~commission~~ in collaboration with the commission and the  
 7 Criminal Justice Institute.

8  
 9 SECTION 90. Arkansas Code § 12-9-121(a) and (b), concerning an  
 10 additional salary payment by the Arkansas Commission on Law Enforcement  
 11 Standards and Training, are amended to read as follows:

12 (a)(1) The ~~Arkansas Commission on~~ Division of Law Enforcement  
 13 Standards and Training may make additional salary payments from available  
 14 funds to employees of the ~~commission~~ division who have attained law  
 15 enforcement certification above the basic certificate level, as defined by  
 16 the ~~commission~~ Arkansas Commission on Law Enforcement Standards and Training.

17 (2) The award of an additional salary payment under this section  
 18 is contingent upon the:

19 (A) Existence of sufficient funding independent of funding  
 20 specifically set aside for other programs within the commission; and

21 (B) Discretion of the Director of the Division of Law  
 22 Enforcement Standards and Training.

23 (b)(1) Eligible employees of the ~~commission~~ division may be paid up to  
 24 the following annual amounts for the respective certifications:

- 25 (A) General certificate – three hundred dollars (\$300);
- 26 (B) Intermediate certificate – six hundred dollars (\$600);
- 27 (C) Advanced certificate – nine hundred dollars (\$900);

28 and

29 (D) Senior certificate – one thousand two hundred dollars  
 30 (\$1,200).

31 (2) Payment of the additional salary amounts may be made  
 32 monthly, quarterly, semiannually, or annually depending upon the availability  
 33 of funding and is restricted to full-time law enforcement officers employed  
 34 by the ~~commission~~ division.

35 (c) Additional salary payments made under this section are considered  
 36 part of the employee’s regular income and subject to all applicable

1 withholding required by law.

2  
3 SECTION 91. Arkansas Code § 12-9-121(a)(2)(B), concerning an  
4 additional salary payment by the Arkansas Commission on Law Enforcement  
5 Standards and Training, is amended to read as follows:

6 (B) Discretion of the Director of the Division of Law  
7 Enforcement Standards and Training in coordination with the Secretary of the  
8 Department of Public Safety.

9  
10 SECTION 92. Arkansas Code § 12-9-202 is amended to read as follows:  
11 12-9-202. Location of academy.

12 The Arkansas Law Enforcement Training Academy shall be located at a  
13 place which, in the opinion of the Director of the ~~Arkansas Commission on~~  
14 Division of Law Enforcement Standards and Training, will serve the best  
15 interests of the state in the carrying out of the intent and purposes of this  
16 subchapter.

17  
18 SECTION 93. Arkansas Code § 12-9-203(a), concerning the disposition  
19 and acceptance of gifts and grants, is amended to read as follows:

20 (a) ~~The Arkansas Commission on~~ Division of Law Enforcement Standards  
21 and Training may accept gifts, grants, donations, equipment and materials,  
22 and bequests of money or gratuities donated by private persons or  
23 corporations.

24  
25 SECTION 94. Arkansas Code § 12-9-204(a)(1) and (2), concerning the law  
26 enforcement powers of the Arkansas Commission on Law Enforcement Standards  
27 and Training, are amended to read as follows:

28 (1) The Director of the Division of Law Enforcement Standards  
29 and Training;

30 (2) Employees of the ~~commission~~ division appointed by the  
31 Director of the Division of Law Enforcement Standards and Training as law  
32 enforcement officers;

33  
34 SECTION 95. Arkansas Code § 12-9-204(c)(1) and (2), concerning the law  
35 enforcement powers of the Arkansas Commission on Law Enforcement Standards  
36 and Training, are amended to read as follows:

1 (1) Be credited with service toward maintaining and increasing  
2 certification levels for time employed at the ~~commission~~ division and the  
3 Black River Technical College Law Enforcement Training Academy; and

4 (2) Receive credit for years of law enforcement service for time  
5 employed at the ~~commission~~ division, the Arkansas Police Corps Training  
6 Program at the University of Arkansas at Little Rock, or the Black River  
7 Technical College Law Enforcement Training Academy upon employment as law  
8 enforcement officers elsewhere in the State of Arkansas.

9  
10 SECTION 96. Arkansas Code § 12-9-210 is amended to read as follows:

11 12-9-210. Designated law enforcement agencies.

12 ~~The Arkansas Commission on~~ Division of Law Enforcement Standards and  
13 Training and the Black River Technical College Law Enforcement Training  
14 Academy are designated as law enforcement agencies.

15  
16 SECTION 97. Arkansas Code § 12-9-211(b)(2), concerning the ability of  
17 private college or university law enforcement offices to attend the Arkansas  
18 Law Enforcement Training Academy, is amended to read as follows:

19 (2) Reimburse the ~~Arkansas Commission on~~ Division of Law  
20 Enforcement Standards and Training for any cost associated with the private  
21 college or university law enforcement officer's training or instruction at  
22 the academy.

23  
24 SECTION 98. Arkansas Code § 12-9-602(a)(1), concerning the response by  
25 the law enforcement officer and the duty of the Commission on Law Enforcement  
26 Standards and Training, for a notice of employment, appointment, or  
27 separation, is amended to read as follows:

28 (a)(1)(A) An employing agency shall immediately notify the ~~Arkansas~~  
29 ~~Commission on~~ Division of Law Enforcement Standards and Training in writing,  
30 on a form adopted by the ~~commission~~ division, of the employment or  
31 appointment, or separation from employment or appointment, of any law  
32 enforcement officer.

33 (B) The employing agency must maintain the original form  
34 and submit, or electronically transmit, a copy of the form to the ~~commission~~  
35 division.

36

1 SECTION 99. Arkansas Code § 12-9-602(b)(1)(A) and (B), concerning the  
2 response by the law enforcement officer and the duty of the Commission on Law  
3 Enforcement Standards and Training, for a notice of employment, appointment,  
4 or separation, are amended to read as follows:

5 (b)(1)(A) In a case of separation from employment or appointment, the  
6 employing agency shall execute and maintain an affidavit-of-separation form  
7 adopted by the ~~commission~~ division, setting forth in detail the facts and  
8 reasons for such separation.

9 (B) A copy of the affidavit-of-separation form must be  
10 submitted, or electronically transmitted, to the ~~commission~~ division.

11  
12 SECTION 100. Arkansas Code § 12-9-602(a)(13), concerning the response  
13 by the law enforcement officer and the duty of the Commission on Law  
14 Enforcement Standards and Training, for a notice of employment, appointment,  
15 or separation, is amended to read as follows:

16 (3) Any law enforcement officer who has separated from  
17 employment or appointment must be permitted to respond to the separation, in  
18 writing, to the ~~commission~~ division, setting forth the facts and reasons for  
19 the separation as he or she understands them.

20  
21 SECTION 101. Arkansas Code § 12-9-602(c), concerning the response by  
22 the law enforcement officer and the duty of the Commission on Law Enforcement  
23 Standards and Training, for a notice of employment, appointment, or  
24 separation, is amended to read as follows:

25 (c)(1) Before employing or appointing a law enforcement officer, a  
26 subsequent employing agency must contact the ~~commission~~ division to inquire  
27 as to the facts and reasons a law enforcement officer became separated from  
28 any previous employing agency.

29 (2) The ~~commission~~ division shall, upon request and without  
30 prejudice, provide to the subsequent employing agency all information that is  
31 required under subsections (a) and (b) of this section and that is in its  
32 possession.

33  
34 SECTION 102. Arkansas Code § 12-9-602(e), concerning the response by  
35 the law enforcement officer and the duty of the Commission on Law Enforcement  
36 Standards and Training, for a notice of employment, appointment, or

1 separation, is amended to read as follows:

2 (e)(1) The ~~commission, its members,~~ division and its employees who  
3 disclose information pursuant to this section are immune from civil liability  
4 for such disclosure or its consequences.

5 (2) The ~~commission, its members,~~ division and its employees  
6 shall not be civilly liable for:

7 (A) Disclosure of information under this subchapter; or

8 (B) Performing any other duties under this subchapter.

9

10 SECTION 103. Arkansas Code § 12-10-203 is amended to read as follows:

11 12-10-203. Policy committee.

12 (a) A seven-member policy committee composed of two (2)  
13 representatives each from the Arkansas Sheriffs' Association, the Arkansas  
14 Chiefs of Police Association, and the Arkansas Law Enforcement Officers  
15 Association and one (1) representative from the ~~Department~~ Division of  
16 Arkansas State Police will be responsible for policy making and for policing  
17 a statewide communication system.

18 (b) Members of the policy committee will be appointed by the  
19 presidents of the respective law enforcement associations and the Director of  
20 the ~~Department~~ Division of Arkansas State Police.

21

22 SECTION 104. Arkansas Code § 12-10-318(c)(1)(D), concerning the  
23 imposition and liability for emergency telephone service charges and the  
24 establishment of the Arkansas Emergency Telephone Services Board, is amended  
25 to read as follows:

26 (D) The Director of the ~~Arkansas Department~~ Division of  
27 Emergency Management or the director's designee;

28

29 SECTION 105. Arkansas Code § 12-10-318(c)(2)(B)(i)(b), concerning the  
30 imposition and liability for emergency telephone service charges and the  
31 establishment of the Arkansas Emergency Telephone Services Board, is amended  
32 to read as follows:

33 (b) Each state fiscal year, two hundred  
34 thousand dollars (\$200,000) of the total monthly revenues collected and  
35 remitted under subdivision (c)(2)(B)(i)(a) of this section shall be  
36 transferred and deposited to the credit of the books of the Treasurer of

1 State and the Auditor of State for the Miscellaneous Agencies Fund Account  
2 for the ~~Arkansas Commission on~~ Division of Law Enforcement Standards and  
3 Training, to be used exclusively for training and all related costs under §  
4 12-10-325;

5  
6 (a)(1) A public safety agency, a public safety answering point, a  
7 dispatch center, or a 911 public safety communications center may provide  
8 training opportunities for 911 public safety communications center personnel  
9 through the ~~Arkansas Commission on~~ Division of Law Enforcement Standards and  
10 Training ~~and the Arkansas Law Enforcement Training Academy~~.

11 (2) The ~~Arkansas Law Enforcement Training Academy~~ division shall  
12 develop training standards for dispatchers, supervisors, and instructors in  
13 Arkansas in consultation with the Association of Public-Safety-Communications  
14 Officials-International, Inc., and submit the training standards to the  
15 Arkansas Commission on Law Enforcement Standards and Training for approval.

16  
17  
18 SECTION 106. Arkansas Code § 12-10-325(b), concerning training  
19 standards for 911 public safety communications center personnel, is amended  
20 to read as follows:

21 (b)(1) A private safety agency may attend training or receive  
22 instruction at the invitation of the ~~commission~~ division.

23 (2) The ~~commission~~ division may assess a fee on a private safety  
24 agency invited to attend training or receive instruction under this  
25 subsection to reimburse the commission for costs associated with the training  
26 or instruction.

27  
28 SECTION 107. Arkansas Code § 12-12-103(c)(1)(B), concerning pawnshop  
29 records and penalties, is amended to read as follows:

30 (B) The Director of the ~~Department~~ Division of Arkansas  
31 State Police, a member of the ~~Department~~ Division of Arkansas State Police, a  
32 county sheriff or deputy of the county, or a police officer of the  
33 municipality in which the pawnshop or pawnbroker is located shall have access  
34 to the records at any reasonable time.

35  
36 SECTION 108. Arkansas Code § 12-12-105(d), concerning controlled

1 substance laboratory seizure reports, is amended to read as follows:

2 (d)(1) The ~~Executive~~ Director of the State Crime Laboratory shall  
3 catalogue the number of controlled substance laboratories reported to the  
4 State Crime Laboratory through evidence submission.

5 (2) For each reported controlled substance laboratory, the  
6 ~~Executive~~ Director of the State Crime Laboratory shall record the:

- 7 (A) Judicial district where the laboratory was located;  
8 (B) Date of seizure of the laboratory; and  
9 (C) Name of the seizing law enforcement agency.

10  
11 SECTION 109. Arkansas Code § 12-12-201 is amended to read as follows:  
12 12-12-201. Creation – Director.

13 (a) There is created the Arkansas Crime Information Center, under the  
14 supervision of the Supervisory Board for the Arkansas Crime Information  
15 Center established by this subchapter.

16 (b) This center shall consist of ~~a director~~ the Director of the  
17 Arkansas Crime Information Center and such other staff of the Department of  
18 Public Safety under the general supervision of the director as may be  
19 necessary to administer the services of this subchapter, subject to the  
20 approval of funds authorized by the General Assembly.

21 (c) The board shall name the director with the approval of the  
22 Secretary of the Department of Public Safety.

23  
24 SECTION 110. Arkansas Code § 12-12-202(b)(9), concerning members and  
25 meetings of the Supervisory Board for the Arkansas Crime Information Center,  
26 is amended to read as follows:

27 (9) The Director of the ~~Department~~ Division of Correction or his  
28 or her designated agent;

29  
30 SECTION 111. Arkansas Code § 12-12-202(b)(12), concerning members and  
31 meetings of the Supervisory Board for the Arkansas Crime Information Center,  
32 is amended to read as follows:

33 (12) The Director of the ~~Department~~ Division of Arkansas State  
34 Police or his or her designated agent; and

35  
36 SECTION 112. Arkansas Code § 12-12-304 is amended to read as follows:

1 12-12-304. ~~Executive director~~ Director of the State Crime Laboratory.

2 (a) The State Crime Laboratory shall be headed by ~~an executive a~~  
3 director who shall be appointed by the Governor.

4 (b) The ~~Executive~~ Director of the State Crime Laboratory may delegate  
5 specific duties to competent and qualified associates, assistants, and  
6 deputies who may act for the ~~executive~~ director within the scope of the  
7 authority granted him or her, subject, however, to such rules and regulations  
8 as may be prescribed by the State Crime Laboratory Board.

9 (c) The board, in cooperation with the secretary, shall prescribe the  
10 duties, responsibilities, compensation, and qualifications for the ~~executive~~  
11 director.

12  
13 SECTION 113. Arkansas Code § 12-12-305(a), concerning the functions,  
14 housing, and equipment of the State Crime Laboratory, is amended to read as  
15 follows:

16 (a) There shall be established under the supervision of the ~~Executive~~  
17 Director of the State Crime Laboratory a central office and laboratory  
18 facility sufficient and adequate to house the various functions of the State  
19 Crime Laboratory as set out in this subchapter and as may be necessary and  
20 proper for the laboratory to perform in carrying out its official duties and  
21 functions as provided by law.

22  
23 SECTION 114. Arkansas Code § 12-12-306 is amended to read as follows:  
24 12-12-306. State Medical Examiner.

25 (a) The ~~Executive~~ Director of the State Crime Laboratory shall appoint  
26 and employ a State Medical Examiner with the approval of the State Crime  
27 Laboratory Board and the Secretary of the Department of Public Safety.

28 (b) The ~~executive~~ director may remove the examiner only for cause and  
29 with the approval of the board.

30  
31 SECTION 115. Arkansas Code § 12-12-309(a), concerning utilization of  
32 outside personnel by the Director of the State Crime Laboratory, is amended  
33 to read as follows:

34 (a) The State Crime Laboratory Board may authorize the ~~Executive~~  
35 Director of the State Crime Laboratory to contract with a medical school in  
36 this state accredited by an accrediting agency recognized by the United

1 States Department of Education or approved by the Arkansas Higher Education  
2 Coordinating Board to seek accreditation by an accrediting agency recognized  
3 by the United States Department of Education, or with other persons or  
4 institutions, to obtain services with which to perform the duties set forth  
5 in this subchapter.

6  
7 SECTION 116. Arkansas Code § 12-12-311(b) and (c), concerning  
8 cooperation with the staff of the State Crime Laboratory, are amended to read  
9 as follows:

10 (b) Any physician or other person in attendance or present at the  
11 death of a person or any hospital, if death occurs therein and results from  
12 such conditions and circumstances as set out in § 12-12-315 shall promptly  
13 notify the chief law enforcement official of the county or municipality which  
14 shall have jurisdiction and the laboratory of the death and shall assist in  
15 making available dead bodies and related evidence as may be requested by the  
16 ~~Executive~~ Director of the State Crime Laboratory or his or her staff or by  
17 the law enforcement agency conducting the investigation.

18 (c) Any physician, surgeon, dentist, hospital, or other supplier of  
19 healthcare services shall cooperate and make available to the ~~executive~~  
20 director or his or her staff the records, reports, charts, specimens, or x-  
21 rays of the deceased as may be requested where death occurs and an  
22 investigation is being conducted under the provisions of this subchapter.

23  
24 SECTION 117. Arkansas Code § 12-12-313(a), concerning records as  
25 evidence and analyst's testimony, is amended to read as follows:

26 (a) The records and reports of autopsies, evidence analyses, drug  
27 analyses, and any investigations made by the State Crime Laboratory under the  
28 authority of this subchapter shall be received as competent evidence as to  
29 the matters contained therein in the courts of this state subject to the  
30 applicable rules of criminal procedure or civil procedure when duly attested  
31 to by the ~~Executive~~ Director of the State Crime Laboratory or his or her  
32 assistants, associates, or deputies.

33  
34 SECTION 118. Arkansas Code § 12-12-315(b), concerning notification of  
35 deaths, is amended to read as follows:

36 (b) With regard to any death in a correctional facility, the county

1 coroner and the State Medical Examiner shall be notified, and when previous  
2 medical history does not exist to explain the death, the ~~Department~~ Division  
3 of Arkansas State Police shall be notified.

4  
5 SECTION 119. Arkansas Code § 12-12-316(c), concerning the  
6 transportation of corpses by the State Crime Laboratory, is amended to read  
7 as follows:

8 (c) The laboratory shall provide transportation or shall bear the cost  
9 of transportation at the option of the ~~Executive~~ Director of the State Crime  
10 Laboratory, but in no case shall the cost of transportation of dead bodies  
11 subject to the provisions of this subchapter be borne by the laboratory  
12 without the prior approval and authorization of the ~~executive~~ director or his  
13 or her staff.

14  
15 SECTION 120. Arkansas Code § 12-12-318(a)(2)(A), concerning the  
16 authorization and restrictions on examinations, investigations, and  
17 postmortem examinations, is amended to read as follows:

18 (2)(A) The laboratory shall make examinations, investigations,  
19 or perform postmortem examinations to determine the cause of death as the  
20 ~~Executive~~ Director of the State Crime Laboratory or his or her staff deems  
21 necessary or as may be requested by the:

22 (i) County coroner of the county in which death  
23 occurs or is discovered;

24 (ii) Prosecuting attorney of the jurisdiction in  
25 which death occurs or is discovered;

26 (iii) County sheriff of the county in which death  
27 occurs or is discovered;

28 (iv) Chief of police of the city in which death  
29 occurs or is discovered;

30 (v) Board of Corrections or its designee, or the  
31 Director of the ~~Department~~ Division of Correction or his or her designee if  
32 the person was in the care, custody, or control of the ~~Department~~ Division of  
33 Correction at the time of death; or

34 (vi) Director of the ~~Department~~ Division of Arkansas  
35 State Police or his or her designee.

36

1 SECTION 121. Arkansas Code § 12-12-318(d) and (e), concerning the  
2 authorization and restrictions on examinations, investigations, and  
3 postmortem examinations, are amended to read as follows:

4 (d) The ~~executive director~~ Director of the State Crime Laboratory and  
5 his or her staff shall not, as a part of their official duties, perform any  
6 postmortem examination at the request of any private citizen or any public  
7 official other than those enumerated in this section.

8 (e) The provisions of this section shall supersede any and all other  
9 laws relating to the power and authority of the ~~executive director~~ Director  
10 of the State Crime Laboratory or his or her staff, including the examiner, to  
11 conduct examinations, investigations, or postmortem examinations.

12  
13 SECTION 122. Arkansas Code § 12-12-318(f)(1) and (2), concerning the  
14 authorization and restrictions on examinations, investigations, and  
15 postmortem examinations, are amended to read as follows:

16 (f)(1) The ~~executive director~~ Director of the State Crime Laboratory  
17 shall have the final authority on any ruling of manner of death which may  
18 become a matter of dispute between those persons authorized by this section  
19 to request a post-mortem examination as described in § 12-12-315 and the  
20 examiner or his or her associates.

21 (2) The ~~executive director~~ Director of the State Crime  
22 Laboratory shall use any and all material accumulated by the laboratory,  
23 interview all parties necessary, and consult with any medical authority  
24 necessary for him or her to make his or her decision as to the manner of  
25 death, and his or her ruling shall be final and binding as that ruling  
26 affects any documents generated and signed by any employee of the laboratory  
27 relating to manner of death.

28  
29 SECTION 123. Arkansas Code § 12-12-319(b), concerning embalming a  
30 corpse subject to examination, investigation, or autopsy, is amended to read  
31 as follows:

32 (b) When a body subject to examination by the examiner or his or her  
33 associates has been embalmed without authorization by or prior notice to the  
34 examiner or his or her associates, assistants, or deputies as provided for in  
35 this subchapter, the ~~Executive~~ Director of the State Crime Laboratory may, at  
36 his or her discretion, require an order from the circuit court of the

1 jurisdiction in which death occurred before proceeding with his or her duties  
2 and responsibilities under this subchapter.

3  
4 SECTION 124. Arkansas Code § 12-12-322(a)(5), concerning hazardous  
5 duty pay, is amended to read as follows:

6 (5) Payment will be controlled by the ~~Executive~~ Director of the  
7 State Crime Laboratory.

8  
9 SECTION 125. Arkansas Code § 12-12-324(c), concerning testing by the  
10 State Crime Laboratory, is amended to read as follows:

11 (c) A law enforcement agency in this state may request the assistance  
12 of the ~~Department~~ Division of Arkansas State Police in tracing a firearm.

13  
14 SECTION 126. Arkansas Code § 12-12-326(a)(3)(A)(ii), concerning the  
15 definition of "police officer" under the laws regarding autopsies and line-  
16 of-duty-death, is amended to read as follows:

17 (ii) The ~~Department~~ Division of Arkansas State  
18 Police; or

19  
20 SECTION 127. Arkansas Code § 12-12-906(g)(3)(M)(ii)(b), concerning the  
21 duty to register or verify registration and review of requirements with  
22 offenders, is amended to read as follows:

23 (b) Submit the fingerprints to the center and  
24 to the ~~Department~~ Division of Arkansas State Police.

25  
26 SECTION 128. Arkansas Code § 12-12-906(g)(3)(M)(iii)(b), concerning  
27 the duty to register or verify registration and review of requirements with  
28 offenders, is amended to read as follows:

29 (b) Submit the palm prints to the center and  
30 to the ~~Department~~ Division of Arkansas State Police;

31  
32 SECTION 129. Arkansas Code § 12-12-906(h)(3)(M)(ii)(b), concerning the  
33 duty to register or verify registration and review of requirements with  
34 offenders, is amended to read as follows:

35 (b) Submit the fingerprints to the center and  
36 to the ~~Department~~ Division of Arkansas State Police.

1  
2 SECTION 130. Arkansas Code § 12-12-906(h)(3)(M)(iii)(b), concerning  
3 the duty to register or verify registration and review of requirements with  
4 offenders, is amended to read as follows:

5 (b) Submit the palm prints to the center and  
6 to the ~~Department~~ Division of Arkansas State Police;

7  
8 SECTION 131. Arkansas Code § 12-12-1010(a)(2)(A), concerning  
9 dissemination of criminal history information for other purposes, is amended  
10 to read as follows:

11 (A) Persons performing research related to the  
12 administration of criminal justice, subject to conditions approved by the  
13 central repository or the Identification Bureau of the ~~Department~~ Division of  
14 Arkansas State Police to assure the security of the information and the  
15 privacy of individuals to whom the criminal history information relates; and  
16

17 SECTION 132. Arkansas Code § 12-12-1507 is amended to read as follows:  
18 12-12-1507. Administration.

19 (a)(1) Release of criminal history information under this subchapter  
20 shall be made only by the Identification Bureau of the ~~Department~~ Division of  
21 Arkansas State Police and the Arkansas Crime Information Center as authorized  
22 by law.

23 (2) The ~~Department~~ Division of Arkansas State Police and the  
24 center may adopt rules and regulations consistent with the provisions and  
25 intent of this subchapter.

26 (b) The ~~department~~ division and the center may contract with the  
27 Information Network of Arkansas under the Information Network of Arkansas  
28 Act, § 25-27-101 et seq., or any other qualified third-party vendor in the  
29 establishment of the gateway or means of electronically processing  
30 transactions under this subchapter.

31 (c)(1) The ~~department~~ division shall not process a request for a  
32 Federal Bureau of Investigation background check unless a corresponding state  
33 background check through the Identification Bureau of the ~~Department~~ Division  
34 of Arkansas State Police has also been properly requested pursuant to this  
35 subchapter.

36 (2) The requirements of subdivision (c)(1) of this section may

1 be waived upon written authorization of the Director of the ~~Department~~  
2 Division of Arkansas State Police.

3 (d) The ~~Department~~ Division of Arkansas State Police Automated  
4 Fingerprint Identification System may access and use the National Fingerprint  
5 File and Interstate Identification Index as provided by the Federal Bureau of  
6 Investigation when the Arkansas Code authorizes a fingerprint-based Federal  
7 Bureau of Investigation check for a noncriminal justice purpose and a  
8 positive identification based on fingerprints is made.

9  
10 SECTION 133. Arkansas Code § 12-13-102(2), concerning the definition  
11 of "director" under the Fire Prevention Act, is repealed.

12 ~~(2) "Director" means the Director of the Department of Arkansas~~  
13 ~~State Police;~~

14  
15 SECTION 134. Arkansas Code § 12-13-102(5), concerning the definition  
16 of "officer" under the Fire Prevention Act, is amended to read as follows:

17 (5) "Officer" means an officer of the ~~Department~~ Division of  
18 Arkansas State Police whom the ~~director~~ Director of the Division of Arkansas  
19 State Police may appoint or designate to execute the powers and perform the  
20 duties specified in this subchapter and also includes all peace officers as  
21 defined in subdivision (7) of this section;

22  
23 SECTION 135. Arkansas Code § 12-13-104 is amended to read as follows:  
24 12-13-104. Administration and enforcement.

25 (a) The administration and enforcement of this subchapter are vested  
26 in the ~~Department~~ Division of Arkansas State Police.

27 (b) The Director of the ~~Department~~ Division of Arkansas State Police  
28 is empowered to create and maintain a State Fire Marshal Enforcement Section  
29 in the ~~Department~~ Division of Arkansas State Police and to appoint such  
30 personnel with such duties, powers, and titles as he or she may deem  
31 necessary for the proper administration and enforcement of this subchapter.

32  
33 SECTION 136. Arkansas Code § 12-13-106 is amended to read as follows:  
34 12-13-106. Section personnel.

35 The members or heads of the State Fire Marshal Enforcement Section  
36 shall be appointed and serve in the same manner as provided by law for the

1 operation of other divisions of the ~~Department~~ Division of Arkansas State  
2 Police.

3  
4 SECTION 137. The introductory language of Arkansas Code § 12-13-107(a)  
5 concerning the duties of the Director of the Department of Arkansas State  
6 Police, is amended to read as follows:

7 (a) It shall be the duty of the Director of the ~~Department~~ Division of  
8 Arkansas State Police and his or her officers and deputies to enforce all  
9 laws and ordinances with regard to the following:

10  
11 SECTION 138. Arkansas Code § 12-13-108 is amended to read as follows:  
12 12-13-108. Ex officio deputies.

13 All mayors, members of fire departments, and peace officers shall be ex  
14 officio deputies to the Director of the ~~Department~~ Division of Arkansas State  
15 Police. They shall be subject to the duties and obligations imposed by this  
16 subchapter in fire prevention and in the investigation of the cause, origin,  
17 and circumstances of fires within their jurisdiction.

18  
19 SECTION 139. Arkansas Code § 12-13-109 is amended to read as follows:  
20 12-13-109. Fire drills.

21 It shall be the duty of the Director of the ~~Department~~ Division of  
22 Arkansas State Police, his or her officers, and deputies to require teachers  
23 of public and private schools and all educational institutions to have one  
24 (1) fire drill each month and to keep all doors and exits unlocked during  
25 school hours.

26  
27 SECTION 140. Arkansas Code § 12-13-110(a)(1), concerning the  
28 inspection of buildings by the Director of the Department of Arkansas State  
29 police and his or her officers or deputies, is amended to read as follows:

30 (a)(1) Upon complaint of any person or on their own motion, the  
31 Director of the ~~Department~~ Division of Arkansas State Police and his or her  
32 officers or deputies may inspect all buildings and premises within their  
33 jurisdiction and issue an order for the compliance with the director's  
34 regulations.

35  
36 SECTION 141. Arkansas Code § 12-13-111(a)(1), concerning the

1 investigation of fires by the deputies of the Director of the Department of  
2 Arkansas State Police, is amended to read as follows:

3 (a)(1) The deputies to the Director of the ~~Department~~ Division of  
4 Arkansas State Police shall investigate each fire causing loss of life or  
5 damage to property within their jurisdiction to determine if the fire was  
6 caused by negligence or design.

7  
8 SECTION 142. Arkansas Code § 12-13-112(a), concerning inquires by the  
9 Director of the Department of Arkansas State Police, is amended to read as  
10 follows:

11 (a) When the Director of the ~~Department~~ Division of Arkansas State  
12 Police or any officer or deputy has reason to believe that a crime or other  
13 offense has been committed in connection with any fire, the director or his  
14 or her deputy may conduct an inquiry in relation thereto.

15  
16 SECTION 143. Arkansas Code § 12-13-114(a)(1), concerning civil actions  
17 regarding the Director of the Department of Arkansas State Police, is amended  
18 to read as follows:

19 (a)(1) No act taken by the Director of the ~~Department~~ Division of  
20 Arkansas State Police shall affect the rights of any policy holder or of any  
21 insurance company with regard to a loss by reason of any fire which the  
22 director has investigated.

23  
24 SECTION 144. Arkansas Code § 12-13-115 is amended to read as follows:  
25 12-13-115. Annual report to Governor.

26 Annually on or before July 1, the Director of the ~~Department~~ Division  
27 of Arkansas State Police shall transmit to the Governor a full report of his  
28 or her proceedings under this subchapter, including statistics and  
29 recommendations he or she may deem advisable.

30  
31 SECTION 145. Arkansas Code § 12-15-202(a)(7), concerning eligibility  
32 to carry a concealed handgun, is amended to read as follows:

33 (7) Has fingerprint impressions on file with the ~~Department~~  
34 Division of Arkansas State Police Automated Fingerprint Identification  
35 System.

36

1 SECTION 146. Arkansas Code § 12-15-202(b)(2)(B), concerning  
2 eligibility to carry a concealed handgun, is amended to read as follows:

3 (B) The Director of the ~~Department~~ Division of Arkansas  
4 State Police shall keep a record of all retired ~~department~~ division officers  
5 authorized to carry a concealed handgun in the state and shall revoke any  
6 authorization for good cause shown.

7  
8 SECTION 147. Arkansas Code § 12-18-301(b), concerning the creation of  
9 the Child Abuse Hotline, is amended to read as follows:

10 (b) The Child Abuse Hotline is a unit established within the  
11 Department of Human Services and the ~~Department~~ Division of Arkansas State  
12 Police, or their designee, with the purpose of receiving and recording  
13 notifications and reports under this chapter.

14  
15 SECTION 148. Arkansas Code § 12-18-1202 is amended to read as follows:  
16 12-18-1202. Training regarding sexually exploited children.

17 The Arkansas Juvenile Officers Association, ~~Arkansas Law Enforcement~~  
18 ~~Training Academy~~ the Division of Law Enforcement Standards and Training, or  
19 the Prosecutor Coordinator may provide training to intake officers, law  
20 enforcement, prosecutors, and any other appropriate staff concerning how to  
21 identify a sexually exploited child and how to obtain appropriate services  
22 for a sexually exploited child.

23  
24 SECTION 149. Arkansas Code § 12-75-109 is amended to read as follows:

25 12-75-109. ~~Arkansas Department~~ Division of Emergency Management –  
26 Establishment – Personnel.

27 (a) The ~~Arkansas Department~~ Division of Emergency Management is  
28 established as a public safety agency of the State of Arkansas.

29 (b) The ~~Arkansas Department~~ Division of Emergency Management shall  
30 have a director appointed by the Governor, with the advice and consent of the  
31 Senate, who shall serve at the pleasure of the Governor.

32 (c)(1) The ~~Arkansas Department~~ Division of Emergency Management shall  
33 have such professional, technical, secretarial, and clerical employees and  
34 may make such expenditures within its appropriations or from any federal or  
35 other funds made available to it from any source whatsoever for the purpose  
36 of emergency services, as may be necessary to carry out the purposes of this

1 chapter.

2 (2) All such employees shall be in job positions as approved by  
3 the secretary and the Office of Personnel Management of the Division of  
4 Management Services of the Department of ~~Finance and Administration~~  
5 Transformation and Shared Services.

6 (d)(1) There is created within the ~~Arkansas Department~~ Division of  
7 Emergency Management an emergency reserve cadre to be composed of trained and  
8 available specialists to assist regular employees during declared disaster  
9 response and recovery operations.

10 (2) The ~~Director of the Arkansas Department of Emergency~~  
11 ~~Management~~ director shall establish training and professional standards  
12 required to supplement state personnel based on state and federal disaster  
13 recovery program needs and shall establish a list of persons with those  
14 qualifications and make available to emergency reserve cadre personnel such  
15 additional training and education opportunities as may be needed to maintain  
16 currency and proficiency in the needed skills.

17 (3)(A) Emergency reserve cadre personnel shall be reimbursed at  
18 the current state classified entry level salary rate for the position they  
19 are temporarily employed to fill and meet such additional training,  
20 experience, and qualifications as established by the director for the grade  
21 level of the position for which they are employed.

22 (B) Emergency reserve cadre personnel shall:

23 (i) Be paid from disaster management funds or  
24 administrative funds, or both;

25 (ii) Be limited to salary, logistical, and travel  
26 expenses only; and

27 (iii) Not accrue ordinary leave, sick leave, or  
28 other employee benefits except for workers' compensation eligibility for  
29 injuries or death suffered in the line of duty.

30 (4)(A) Emergency reserve cadre personnel may be called to active  
31 duty upon declaration of a disaster emergency as stipulated in this chapter  
32 or the Disaster Relief Act of 1974, Pub. L. No. 93-288, or both, or by  
33 executive order of the Governor upon recommendation by the director for due  
34 cause or pending emergency needs or for disaster-related assistance to the  
35 ~~Arkansas Department~~ Division of Emergency Management as determined by the  
36 director and shall remain on active duty no longer than the maximum allowed

1 by the Office of Personnel Management of the Division of Management Services  
2 of the Department of ~~Finance and Administration~~ Transformation and Shared  
3 Services for part-time employment status.

4 (B) Based on the size, impact, and magnitude of the  
5 disaster event, the director shall determine the minimum number of emergency  
6 reserve cadre personnel required to effectively supplement regular state  
7 emergency management personnel.

8 (5) While in service described in subdivision (d)(4)(A) of this  
9 section, the emergency reserve cadre personnel have the same immunities as  
10 regular state employees for good faith performance of their designated and  
11 assigned official duties under state sovereignty laws and practices.

12  
13 SECTION 150. The introductory language of Arkansas Code § 12-75-  
14 110(a), concerning the state emergency operations plan and the Arkansas  
15 Department of Emergency Management, is amended to read as follows:

16 (a) The ~~Arkansas Department~~ Division of Emergency Management shall  
17 coordinate and maintain a state emergency operations plan and keep it  
18 current, which plan may include:

19  
20 SECTION 151. Arkansas Code § 12-75-110(b) and (c), concerning the  
21 state emergency operations plan and the Arkansas Department of Emergency  
22 Management, are amended to read as follows:

23 (b)(1) In preparing and revising the state emergency operations plan,  
24 the ~~department~~ division shall seek the advice and assistance of state  
25 agencies, local government, business, labor, industry, agriculture, civic,  
26 and volunteer organizations, and community leaders.

27 (2) In advising local and jurisdictional agencies, the  
28 ~~department~~ division shall encourage them also to seek advice from the  
29 entities listed in subdivision (b)(1) of this section.

30 (c) The state emergency operations plan or any part of the state  
31 emergency operations plan may be incorporated in rules of the ~~department~~  
32 division or executive orders that have the force and effect of law.

33  
34 SECTION 152. The introductory language of Arkansas Code § 12-75-  
35 111(a), concerning the powers and duties of the Arkansas Department of  
36 Emergency Management, is amended to read as follows:

1 (a) The ~~Arkansas Department~~ Division of Emergency Management shall,  
2 with the assistance and cooperation of other state and local government  
3 agencies:  
4

5 SECTION 153. Arkansas Code § 12-75-111(b), concerning the powers and  
6 duties of the Arkansas Department of Emergency Management, is amended to read  
7 as follows:

8 (b)(1) The ~~department~~ division shall take an integral part in the  
9 development and revision of local and interjurisdictional emergency  
10 operations plans prepared under § 12-75-118.

11 (2)(A) To meet the requirements of subdivision (b)(1) of this  
12 section, the ~~department~~ division shall employ or otherwise secure the  
13 services of professional and technical personnel capable of providing expert  
14 assistance to political subdivisions, their local offices of emergency  
15 management, interjurisdictional planning, and interjurisdictional offices of  
16 emergency management.

17 (B) Personnel described in subdivision (b)(2)(A) of this  
18 section shall consult with political subdivisions, local offices of emergency  
19 management, and interjurisdictional offices of emergency management on a  
20 regularly scheduled basis and shall make field examinations of the area,  
21 circumstances, and conditions to which particular local and  
22 interjurisdictional emergency operations plans are intended to apply and may  
23 suggest or require revisions.  
24

25 SECTION 154. Arkansas Code § 12-75-112 is amended to read as follows:  
26 12-75-112. Communications networks.

27 (a) The ~~Arkansas Department~~ Division of Emergency Management shall  
28 operate and maintain information systems which will make available both voice  
29 and data links with federal agencies, other states, and state agencies as are  
30 assigned an emergency management role in the state emergency operations plan  
31 and local offices of emergency management.

32 (b) In addition to the minimum requirements of subsection (a) of this  
33 section, additional information systems networks may be established as deemed  
34 necessary by the Director of the ~~Arkansas Department~~ Division of Emergency  
35 Management.  
36

1 SECTION 155. Arkansas Code § 12-75-113(a), concerning emergency  
2 response vehicles, is amended to read as follows:

3 (a) Due to the time-critical nature of response to the scene of a  
4 disaster or major emergency occurrence, the Director of the ~~Arkansas~~  
5 ~~Department~~ Division of Emergency Management may designate appropriate  
6 vehicles as requested in the staffing patterns of the state offices of  
7 emergency management and local offices of emergency management and designate  
8 other state agency vehicles with an emergency management response requirement  
9 as emergency response vehicles.

10  
11 SECTION 156. Arkansas Code § 12-75-114(c)(8), concerning disaster  
12 emergency responsibilities of the Governor, is amended to read as follows:

13 (8) Expenditures from the emergency response fund shall be made  
14 by executive order of the Governor, upon recommendation and verification by  
15 the Director of the ~~Arkansas Department~~ Division of Emergency Management, and  
16 may only be made to defray immediate costs associated with response  
17 activities by emergency forces of state and local governments and private  
18 nonprofit forces duly registered in accordance with § 12-75-129.

19  
20 SECTION 157. Arkansas Code § 12-75-115(a)(3), concerning disaster  
21 prevention, is amended to read as follows:

22 (3) Studies under subdivision (a)(2) of this section shall be  
23 furnished to the Governor and the ~~Arkansas Department~~ Division of Emergency  
24 Management as soon as possible after completion and shall concentrate on  
25 means of reducing or avoiding damage caused by possible disasters or the  
26 consequences of possible disasters.

27  
28 SECTION 158. Arkansas Code § 12-75-115(b)(1), concerning disaster  
29 prevention, is amended to read as follows:

30 (b)(1) If the ~~department~~ division believes, on the basis of the  
31 studies or other competent evidence, that an area is susceptible to a  
32 disaster of catastrophic proportions without adequate warning, that existing  
33 building standards and land use control in that area are inadequate and could  
34 add substantially to the magnitude of the disaster, and that changes in  
35 zoning regulations, other land use regulations, or building requirements are  
36 essential in order to further the purposes of this section, it shall specify

1 the essential changes to the Governor.

2  
3 SECTION 159. Arkansas Code § 12-75-116(a)(2), concerning liaison  
4 officers and state and local governmental entities, is amended to read as  
5 follows:

6 (2) In furtherance of the policy described in subdivision (a)(1)  
7 of this section, the head of each state department, commission, agency, or  
8 institution with an emergency management role or responsibility shall appoint  
9 a member or members of his or her staff as agency emergency management  
10 liaison officer or officers to act on his or her behalf in ensuring the  
11 agency's capability to fulfill its role in emergency management activities  
12 and shall ensure that the ~~Arkansas Department~~ Division of Emergency  
13 Management is notified of any change in the appointment.

14  
15 SECTION 160. Arkansas Code § 12-75-116(b)(1) and (2), concerning  
16 liaison officers and state and local governmental entities, are amended to  
17 read as follows:

18 (1) Maintain close and continuous liaison with the ~~department~~  
19 division, as applicable;

20 (2) Prepare agency annexes to the state and, as applicable,  
21 local emergency operations plans which are compatible with this chapter and  
22 with guidance provided by the ~~department~~ division;

23  
24 SECTION 161. Arkansas Code § 12-75-116(b)(5), concerning liaison  
25 officers and state and local governmental entities, is amended to read as  
26 follows:

27 (5) Ensure that the agency can respond promptly and  
28 cooperatively with other agencies in any disaster or major emergency  
29 situation under the overall management of the ~~department~~ division;

30  
31 SECTION 162. Arkansas Code § 12-75-116(c), concerning liaison officers  
32 and state and local governmental entities, are amended to read as follows:

33 (c) As conditions or situations may require or dictate, the Director  
34 of the ~~Arkansas Department~~ Division of Emergency Management may request a  
35 state department, agency, or institution not currently participating in the  
36 emergency management liaison officer program to appoint an officer in

1 accordance with this section.

2  
3 SECTION 163. The introductory language of Arkansas Code § 12-75-  
4 117(a)(2), concerning interjurisdictional disaster planning and service areas,  
5 is amended to read as follows:

6 (2) A finding of the Governor pursuant to this subsection shall  
7 be based on an assessment conducted by the Director of the ~~Arkansas~~  
8 ~~Department~~ Division of Emergency Management using one (1) or more factors  
9 related to the difficulty of maintaining an efficient, effective, and  
10 economical system for disaster and emergency preparedness, mitigation,  
11 response, and recovery such as:

12  
13 SECTION 164. Arkansas Code § 12-75-118(a)(1), concerning local and  
14 interjurisdictional offices of emergency management services, is amended to  
15 read as follows:

16 (a)(1) Each political subdivision within this state shall be within  
17 the jurisdiction of and served by the ~~Arkansas Department~~ Division of  
18 Emergency Management and by a local office of emergency management or  
19 interjurisdictional office of emergency management.

20  
21 SECTION 165. Arkansas Code § 12-75-118(c), concerning local and  
22 interjurisdictional offices of emergency management services, is amended to  
23 read as follows:

24 (c)(1) The Governor shall determine if additional municipal local  
25 offices of emergency management or interjurisdictional offices of emergency  
26 management are required based on an assessment conducted by the Director of  
27 the ~~Arkansas Department~~ Division of Emergency Management using one (1) or  
28 more of the factors enumerated in § 12-75-117(a).

29 (2) The ~~department~~ division shall publish and keep current a  
30 list of municipalities required to have local offices of emergency management  
31 or interjurisdictional offices of emergency management under this subsection.

32  
33 SECTION 166. Arkansas Code § 12-75-118(f)(2), concerning local and  
34 interjurisdictional offices of emergency management services, is amended to  
35 read as follows:

36 (2) The chief executive of a political subdivision shall notify

1 the ~~department~~ division of the manner in which the political subdivision is  
2 providing or securing disaster planning and emergency management, provide a  
3 staffing pattern for the local office of emergency management, identify the  
4 person who heads the local office of emergency management, and furnish  
5 additional information relating thereto as the ~~department~~ division requires.  
6

7 SECTION 167. Arkansas Code § 12-75-118(g)(2)(B), concerning local and  
8 interjurisdictional offices of emergency management services, is amended to  
9 read as follows:

10 (B) The emergency operations plan shall then be submitted  
11 to the ~~department~~ division for approval prior to implementation.  
12

13 SECTION 168 Arkansas Code § 12-75-118(j)(1), concerning local and  
14 interjurisdictional offices of emergency management services, is amended to  
15 read as follows:

16 (j)(1) Local offices of emergency management shall operate and  
17 maintain as a minimum an information systems link with the ~~department~~  
18 division.  
19

20 SECTION 169. Arkansas Code § 12-75-119(a)(2)(C), concerning a  
21 statewide mutual aid system, is amended to read as follows:

22 (C) The chief executive officer of the governing body  
23 shall provide a copy of the resolution to the ~~Arkansas Department~~ Division of  
24 Emergency Management within ten (10) days of the enactment of the resolution.  
25

26 SECTION 170. Arkansas Code § 12-75-119(c)(3), concerning a statewide  
27 mutual aid system, is amended to read as follows:

28 (3)(A) A request for assistance is not required to be reported  
29 to the ~~department~~ division in advance of or concurrent with the request.

30 (B) However, a request for assistance shall be reported to  
31 the ~~department~~ division in writing as soon as practical.  
32

33 SECTION 171. Arkansas Code § 12-75-119(d)(3)(A), concerning a  
34 statewide mutual aid system, is amended to read as follows:

35 (3)(A) An emergency responder from a participating emergency  
36 jurisdiction responding to a request for assistance from another

1 participating emergency jurisdiction shall remain under the command control  
2 of his or her home jurisdiction, including use of medical protocols, standard  
3 operating procedures, and other protocols and procedures identified by the  
4 ~~department~~ division.

5  
6 SECTION 172. Arkansas Code § 12-75-119(f)(1)(B) and (C), concerning a  
7 statewide mutual aid system, are amended to read as follows:

8 (B) A request for reimbursement shall be made in  
9 accordance with procedures developed by the Arkansas Homeland Security  
10 Advisory Group and adopted by the ~~department~~ division as a rule under the  
11 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

12 (C) The ~~department~~ division shall not provide  
13 reimbursement for expenses associated with training exercises except in  
14 accordance with applicable rules.

15  
16 SECTION 173. Arkansas Code § 12-75-126(b), concerning public safety  
17 officers, is amended to read as follows:

18 (b) The Director of the ~~Arkansas Department~~ Division of Emergency  
19 Management and persons he or she may designate from the state and local  
20 offices of emergency management staffing patterns shall be sworn public  
21 safety officers as defined and limited by this chapter.

22  
23 SECTION 174. Arkansas Code § 12-75-126(d)(1)(A), concerning public  
24 safety officers, is amended to read as follows:

25 (d)(1)(A) The director may determine what constitutes ~~an Arkansas~~  
26 ~~Department~~ the Division of Emergency Management uniform for ~~department~~  
27 division personnel.

28  
29 SECTION 175. Arkansas Code § 12-75-126(d)(2), concerning public safety  
30 officers, is amended to read as follows:

31 (2) The uniform may include a badge or identification card, or  
32 both, of appropriate design and dimensions to identify local office of  
33 emergency management personnel as bona fide emergency management workers  
34 within their jurisdiction and ~~department~~ division personnel as bona fide  
35 emergency workers for the state.

36

1 SECTION 176. Arkansas Code § 12-75-126(e), concerning public safety  
2 officers, is amended to read as follows:

3 (e) Any person issued or provided a badge, identification, or uniform  
4 described in subsection (d) of this section shall wear, carry, or display it  
5 at such times and places as shall be designated or required by the chief  
6 executive of the local jurisdiction for local office of emergency management  
7 personnel and by the director for ~~department~~ division personnel.

8  
9 SECTION 177. Arkansas Code § 12-75-129(a)(1)(B)(ii)(b), concerning  
10 workers' compensation benefits for emergency responders, is amended to read  
11 as follows:

12 (b) ~~Arkansas Department~~ Division of Emergency  
13 Management; or

14  
15 SECTION 178. Arkansas Code § 12-75-129(f), concerning workers'  
16 compensation benefits for emergency responders, is amended to read as  
17 follows:

18 (f) An emergency responder shall be deemed duly registered and  
19 qualified when he or she is a member of and has on file in either a local  
20 office of emergency management or in the ~~Arkansas Department of Emergency~~  
21 ~~Management~~ division the following information:

- 22 (1) Name and address;  
23 (2) Date enrolled; and  
24 (3) Class of service assigned.

25  
26 SECTION 179. Arkansas Code § 12-75-131(a)(1), concerning disaster  
27 relief pay from the Arkansas Department of Emergency Management, is amended  
28 to read as follows:

29 (a)(1) The ~~Arkansas Department~~ Division of Emergency Management is  
30 authorized to provide special compensation to certain employees for each full  
31 pay period of eighty (80) hours worked in a job which requires the provision  
32 of on-site emergency disaster relief services in cases of wartime, human-  
33 made, or natural disasters.

34  
35 SECTION 180. Arkansas Code § 12-75-131(a)(3)(B), concerning disaster  
36 relief pay from the Arkansas Department of Emergency Management, is amended

1 to read as follows:

2 (B) Payment will be controlled through personnel actions  
 3 by the Director of the ~~Arkansas Department~~ Division of Emergency Management.  
 4

5 SECTION 181. Arkansas Code § 12-75-132(a)-(c), concerning the creation  
 6 of the Arkansas Homeland Security Advisory Group, are amended to read as  
 7 follows:

8 (a) There is created an advisory body to the ~~Arkansas Department~~  
 9 Division of Emergency Management, to be known as the “Arkansas Homeland  
 10 Security Advisory Group”.

11 (b) The advisory group shall consist of representatives of federal,  
 12 state, and local agencies and professional associations as determined by the  
 13 Director of the ~~Arkansas Department~~ Division of Emergency Management. The  
 14 advisory group shall include, at a minimum, representatives of the following:

- 15 (1) ~~Arkansas Department~~ Division of Emergency Management;
- 16 (2) ~~The~~ Arkansas Ambulance Association;
- 17 (3) Arkansas Association of Chiefs of Police;
- 18 (4) Arkansas Association of Fire Chiefs;
- 19 (5) Arkansas Citizen Corps Point of Contact;
- 20 (6) ~~Arkansas Department~~ Division of Environmental Quality;
- 21 (7) Department of Health;
- 22 (8) Arkansas Emergency Management Association, Inc.;
- 23 (9) Arkansas Highway Police Division of the Arkansas Department  
 24 of Transportation;
- 25 (10) Arkansas Livestock and Poultry Commission;
- 26 (11) Arkansas Municipal League;
- 27 (12) National Guard;
- 28 (13) 61st Civil Support Team of the Arkansas National Guard;
- 29 (14) Arkansas Sheriffs’ Association;
- 30 (15) ~~Department~~ Division of Arkansas State Police;
- 31 (16) State Plant Board;
- 32 (17) County Judges Association of Arkansas;
- 33 (18) Centers for Disease Control and Prevention;
- 34 (19) ~~Department~~ Division of Information Systems;
- 35 (20) Federal Bureau of Investigation;
- 36 (21) Health Resources and Services Administration of the United

1 States Department of Health and Human Services;  
 2 (22) United States Secret Service;  
 3 (23) United States Attorney for the Eastern District of  
 4 Arkansas; and  
 5 (24) United States Attorney for the Western District of  
 6 Arkansas.

7 (c) A representative of the ~~Arkansas Department~~ Division of Emergency  
 8 Management shall serve as chair of the advisory group.

9  
 10 SECTION 182. Arkansas Code § 12-75-132(f)(3), concerning the creation  
 11 of the Arkansas Homeland Security Advisory Group, is amended to read as  
 12 follows:

13 (3) The advisory group shall submit the report annually to the  
 14 Director of the ~~Arkansas Department~~ Division of Emergency Management and to  
 15 the House Committee on State Agencies and Governmental Affairs and the Senate  
 16 Committee on State Agencies and Governmental Affairs.

17  
 18 SECTION 183. Arkansas Code § 12-78-105(a), concerning implementation  
 19 and equipment purchases by the Arkansas Department of Emergency Management,  
 20 is amended to read as follows:

21 (a)(1) From funds appropriated therefor, the ~~Arkansas Department~~  
 22 Division of Emergency Management shall provide to eligible local offices of  
 23 emergency management and key state agencies assigned an emergency role under  
 24 the State of Arkansas Emergency Operations Plan matching grants not to exceed  
 25 fifty percent (50%) of the cost of the acquisition of the emergency warning  
 26 and communications equipment.

27 (2) The grant shall be awarded only for the acquisition of  
 28 equipment for which the Director of the ~~Arkansas Department~~ Division of  
 29 Emergency Management has granted specific approval.

30  
 31 SECTION 184. Arkansas Code § 12-79-103(1), concerning definitions  
 32 regarding the Arkansas Hazardous and Toxic Materials Emergency Notification  
 33 Act, is repealed.

34 (1) ~~“Director” means the Director of the Arkansas Department of~~  
 35 ~~Emergency Management established under the Arkansas Emergency Services Act of~~  
 36 ~~1973, § 12-75-101 et seq.;~~

1  
2 SECTION 185. The introductory language of Arkansas Code § 12-79-  
3 104(a), concerning the HAZMAT incident or accident reporting system, is  
4 amended to read as follows:

5 (a) The Director of the ~~Arkansas Department~~ Division of Emergency  
6 Management shall:

7  
8 SECTION 186. Arkansas Code § 12-82-104(a)(1)(A), concerning the  
9 creation of the State Emergency Response Commission, is amended to read as  
10 follows:

11 (a)(1) The State Emergency Response Commission shall be composed of:

12 (A) The directors of the Department of Health, the  
13 ~~Arkansas Department~~ Division of Environmental Quality, the ~~Department~~  
14 Division of Arkansas State Police, the ~~Arkansas Department~~ Division of  
15 Emergency Management, the ~~Department~~ Division of Labor, the Arkansas Fire  
16 Training Academy, and the Arkansas Department of Transportation, and the  
17 Adjutant General, or their designated representatives;

18  
19 SECTION 187. Arkansas Code § 12-83-102(1) and (2), concerning the  
20 policy and purpose of the Emergency Volunteer Reserve Cadre, are amended to  
21 read as follows:

22 (1) To establish within the ~~Arkansas Department~~ Division of  
23 Emergency Management an Emergency Volunteer Reserve Cadre of persons trained  
24 and experienced in certain functions related to disaster response and  
25 recovery operations;

26 (2) To provide authority to the Director of the ~~Arkansas~~  
27 ~~Department~~ Division of Emergency Management to call the emergency volunteer  
28 reserve personnel into active service upon declaration of a state of disaster  
29 emergency by the Governor or the President of the United States or when, in  
30 the opinion of the director, a pending natural, technological, or national  
31 emergency may require the immediate services of the personnel;

32  
33 SECTION 188. Arkansas Code § 12-83-104(a)(1), concerning recruitment,  
34 service, deployment, and discharge by the Arkansas Department of Emergency  
35 Management, is amended to read as follows:

36 (a)(1) The ~~Arkansas Department~~ Division of Emergency Management shall

1 establish a system to recruit personnel with special skills or experience  
2 related to emergency response and recovery operations and provide initial  
3 familiarization training and periodic proficiency training as necessary for  
4 members of the Emergency Volunteer Reserve Cadre to ensure their readiness  
5 for immediate deployment for response and recovery activities.

6  
7 SECTION 189. Arkansas Code § 12-83-104(b), concerning recruitment,  
8 service, deployment, and discharge by the Arkansas Department of Emergency  
9 Management, is amended to read as follows:

10 (b) The ~~department~~ division shall establish an administrative  
11 management system to recruit and maintain qualified personnel and establish a  
12 fiscal management system to ensure prompt and reasonable reimbursement of  
13 authorized expenses.

14  
15 SECTION 190. Arkansas Code § 12-83-104(e), concerning recruitment,  
16 service, deployment, and discharge by the Arkansas Department of Emergency  
17 Management, is amended to read as follows:

18 (e) When called into active service by the Director of the ~~Arkansas~~  
19 ~~Department~~ Division of Emergency Management, members of the cadre shall be  
20 under the operational and administrative management of the ~~department~~  
21 division and such employees of that office who may be designated to supervise  
22 their duties.

23  
24 SECTION 191. Arkansas Code § 12-83-105(a)(1), concerning reimbursement  
25 of the Emergency Volunteer Reserve Cadre by the Arkansas Department of  
26 Emergency Management, is amended to read as follows:

27 (a)(1) Any persons seeking enrollment into the Emergency Volunteer  
28 Reserve Cadre shall be notified that no salary, retainer, emoluments, or  
29 other monetary reimbursement shall be made for their services, except  
30 reimbursement for food, lodging, and travel utilizing a privately owned  
31 vehicle when so authorized by the Director of the ~~Arkansas Department~~  
32 Division of Emergency Management.

33  
34 SECTION 192. The introductory language of Arkansas Code § 12-86-204,  
35 concerning the policies of the Arkansas Department of Emergency Management,  
36 is amended to read as follows:

1           The Director of the ~~Arkansas Department~~ Division of Emergency  
2 Management shall coordinate efforts with other state agencies and appropriate  
3 organizations to:

4  
5           SECTION 193. Arkansas Code § 12-88-103(2)(C)(ii), concerning the  
6 definition of “declared state disaster or emergency” under the Business Rapid  
7 Response to State Disasters Facilitation Act, is amended to read as follows:

8                           (ii) That the Director of the ~~Arkansas Department~~  
9 Division of Emergency Management designates as a disaster or emergency upon  
10 request of and notification by a registered business;

11  
12           SECTION 194. Arkansas Code § 14-14-1314(a)(1)(A)(ii), concerning  
13 constable training and uniform requirements, is amended to read as follows:

14                           (ii) Each year after completing the certification  
15 course required under subdivision (a)(1)(A)(i) of this section, he or she  
16 shall satisfactorily complete sixteen (16) hours of training ~~provided~~  
17 certified by the Arkansas Commission on Law Enforcement Standards and  
18 Training.

19  
20           SECTION 195. Arkansas Code § 14-14-1310(c)(3)(A), concerning the  
21 filling of vacancies in elective offices, is amended to read as follows:

22                           (3)(A) The county judge and the sheriff shall file the executive  
23 order and the resolution with policy statement under subdivisions (c)(1) and  
24 (2) of this section with the county clerk, and a file-marked copy shall be  
25 provided to the Director of the ~~Arkansas Department~~ Division of Emergency  
26 Management no later than sixty (60) days from the beginning of the elected  
27 term of office.

28  
29           SECTION 196. The introductory language of Arkansas Code § 14-15-  
30 308(a), concerning training and instruction for medicolegal death  
31 investigators, coroners, and deputy coroners, is amended to read as follows:

32                           (a) The ~~Arkansas Commission on~~ Division of Law Enforcement Standards  
33 and Training, in coordination with the Department of Health, shall establish  
34 a training curriculum for medicolegal death investigators, coroners, and  
35 deputy coroners in Arkansas that consists of no less than sixteen (16) hours  
36 nor more than forty (40) hours of instruction, including without limitation

1 courses on:

2  
3 SECTION 197. The introductory language of Arkansas Code § 14-15-  
4 308(a), concerning training and instruction for medicolegal death  
5 investigators, coroners, and deputy coroners, is amended to read as follows:

6 (b) The ~~commission~~ division shall:

7  
8 SECTION 198. Arkansas Code § 14-15-308(b)(2)(B), concerning training  
9 and instruction for medicolegal death investigators, coroners, and deputy  
10 coroners, is amended to read as follows:

11 (B) The ~~commission~~ division may receive funding for  
12 coroner training through grants-in-aid, donations, and the County Coroners  
13 Continuing Education Fund.

14  
15  
16 SECTION 199. Arkansas Code § 15-45-211(b), concerning state parks as  
17 bird sanctuaries, is amended to read as follows:

18 (b) It shall be unlawful for any person to trap, hunt, shoot, or  
19 attempt to shoot or molest in any manner any bird or wild fowl or to rob  
20 birds' nests or wild fowl's nests in these areas. However, if starlings or  
21 similar birds are found to be congregating in such numbers in a particular  
22 locality as in the opinion of the Department of Health constitutes a nuisance  
23 or a menace to health or property, then officials of the ~~Department of Health~~  
24 department, after giving three (3) days' notice of the time and place of the  
25 meeting, shall meet with representatives of the Audubon Society, bird club,  
26 garden club, or humane society, or with as many of those clubs as are found  
27 to exist in the state, to discuss possible solutions to the problem. If, as a  
28 result of the meeting, no satisfactory alternative is found to abate the  
29 nuisance, then the birds may be destroyed in such numbers and in such manner  
30 as is deemed advisable by the ~~Department of Health~~ department under the  
31 supervision of the Director of the ~~Department~~ Division of Arkansas State  
32 Police.

33  
34 SECTION 200. Arkansas Code § 16-90-706(a)(4), concerning the  
35 logistical support and powers of the Crime Victims Reparations Board, is  
36 amended to read as follows:

1           (4)(A) The board shall be provided such office, support staff,  
2 and secretarial services as necessary by the ~~office of the Attorney General~~  
3 Department of Public Safety.

4           (B) The support staff and secretarial services described  
5 in subdivision (a)(4)(A) of this section may also be assigned by the ~~Attorney~~  
6 General Secretary of the Department of Public Safety to engage in additional  
7 ~~legal~~ work in other areas that do not involve crime victims reparations.

8  
9           SECTION 201. Arkansas Code § 16-90-707(a), concerning the annual  
10 report by the Crime Victims Reparations Board, is amended to read as follows:

11           (a) The Crime Victims Reparations Board shall prepare and transmit  
12 annually a report of its activities to the ~~Governor~~ Secretary of the  
13 Department of Public Safety.

14  
15           SECTION 202. Arkansas Code § 16-90-715 is amended to read as follows:  
16           16-90-715. Action by state against convicted person for recovery of  
17 reparations.

18           (a)(1) Whenever any person is convicted of a crime and an order for  
19 the payment of reparations is or has been made under this subchapter for a  
20 personal injury or death resulting from the act or omission constituting the  
21 crime for which conviction was had, the ~~Attorney General~~ Secretary of the  
22 Department of Public Safety may institute a civil action against the  
23 convicted person for the recovery of all or any part of the reparations paid.

24           (2)(A) The suit shall be instituted in the circuit court having  
25 jurisdiction in the county in which the person resides or is found or in  
26 Pulaski County.

27           (B) The circuit court shall have jurisdiction to hear,  
28 determine, and render judgment in the action.

29           (3)(A) Any amount recovered under this subsection shall be  
30 credited to the Crime Victims Reparations Revolving Fund.

31           (B) If an amount greater than that paid pursuant to the  
32 order for payment of reparations is recovered and collected in the action,  
33 the Crime Victims Reparations Board shall pay the balance to the claimant.

34           (b) The board shall provide the ~~Attorney General~~ secretary with such  
35 information, data, and reports as he or she may require to institute actions  
36 in accordance with this section.

1       (c) The secretary may request the assistance of the Attorney General  
2 in instituting a civil action against the convicted person for the recovery  
3 of all or any part of the reparations paid.  
4

5       SECTION 203. Arkansas Code § 17-39-102(1), concerning the definition  
6 of "intern" under the Polygraph Examiners Licensing Act, is amended to read  
7 as follows:

8           (1) "Intern" means a person who holds a valid intern polygraph  
9 examiner license issued by the Director of the ~~Department~~ Division of  
10 Arkansas State Police;  
11

12       SECTION 204. Arkansas Code § 17-39-103(b), concerning penalties  
13 regarding licensed polygraph examiner, is amended to read as follows:

14       (b) It is unlawful for a person to conduct a polygraph examination in  
15 the State of Arkansas unless that person holds a valid license as a polygraph  
16 examiner or intern that is issued by the Director of the ~~Department~~ Division  
17 of Arkansas State Police.  
18

19       SECTION 205. Arkansas Code § 17-39-104(a), concerning an injunction  
20 for the violation of the Polygraph Examiners Licensing Act, is amended to  
21 read as follows:

22       (a) If a person violates this chapter, the Director of the ~~Department~~  
23 Division of Arkansas State Police, through the Attorney General, may apply in  
24 any circuit court of competent jurisdiction for an order enjoining the  
25 violation or for an order enforcing compliance with this chapter.  
26

27       SECTION 206. Arkansas Code § 17-39-106(a), concerning the powers and  
28 duties of the Director of the Department of Arkansas State Police under the  
29 Polygraph Examiners Licensing Act, is amended to read as follows:

30       (a) The Director of the ~~Department~~ Division of Arkansas State Police  
31 may perform the functions and duties enumerated in this chapter with respect  
32 to the licensing of polygraph examiners and interns and perform all other  
33 acts incidental and necessary to the proper performance of the functions and  
34 duties as prescribed in this chapter.  
35

36       SECTION 207. Arkansas Code § 17-39-110 is amended to read as follows:

1           17-39-110. Director of ~~the Department~~ Division of Arkansas State  
2 Police – Designee.

3           The Director of the ~~Department~~ Division of Arkansas State Police may  
4 designate a person on his or her staff to administer and carry out the  
5 provisions of this chapter.

6  
7           SECTION 208. Arkansas Code § 17-39-201 is amended to read as follows:  
8           17-39-201. License required.

9           It is unlawful for a person, including a city, county, or state  
10 employee, to administer polygraph examinations or hold himself or herself out  
11 as a polygraph examiner or intern without a polygraph examiner license or  
12 intern polygraph examiner license approved and issued by the Director of the  
13 ~~Department~~ Division of Arkansas State Police.

14  
15           SECTION 209. Arkansas Code § 17-39-202(4), concerning qualifications  
16 for a polygraph examiner license or an intern polygraph examiner license, is  
17 amended to read as follows:

18           (4) Is a graduate of a polygraph examiners course approved by  
19 the Director of the ~~Department~~ Division of Arkansas State Police and has  
20 satisfactorily completed an internship of not less than six (6) months;

21  
22           SECTION 210. Arkansas Code § 17-39-203 is amended to read as follows:  
23           17-39-203. Initial polygraph examiner license or intern polygraph  
24 examiner license application.

25           (a) An application for an initial polygraph examiner license or intern  
26 polygraph examiner license shall be made to the Director of the ~~Department~~  
27 Division of Arkansas State Police on forms prescribed by the director and  
28 shall be accompanied by the required fee as set out in § 17-39-207.

29           (b) The burden is on the applicant to provide sufficient information  
30 to bring himself or herself within the licensing standards and allow the  
31 director to determine if the applicant is qualified to hold a license under  
32 this subchapter and subchapter 1.

33  
34           SECTION 211. The introductory language of Arkansas Code § 17-39-  
35 204(a), concerning a polygraph examiner license, is amended to read as  
36 follows:

1 (a) In addition to other application requirements, a polygraph  
2 examiner licensee or an intern polygraph examiner licensee who does not  
3 maintain a place of business in Arkansas shall file with the Director of the  
4 ~~Department~~ Division of Arkansas State Police an irrevocable consent that:  
5

6 SECTION 212. The introductory language of Arkansas Code § 17-39-205,  
7 concerning a polygraph examiner license in another state or territory, is  
8 amended to read as follows:

9 An applicant who is a polygraph examiner licensed under the laws of  
10 another state or territory of the United States may be issued a two-year  
11 license by the Director of the ~~Department~~ Division of Arkansas State Police  
12 upon the production of satisfactory proof that the applicant:  
13

14 SECTION 213. Arkansas Code § 17-39-206(a)(1), concerning intern  
15 polygraph examiner license, is amended to read as follows:

16 (a)(1) The Director of the ~~Department~~ Division of Arkansas State  
17 Police shall issue an intern polygraph examiner license to an applicant,  
18 provided that he or she submits a properly completed application, meets the  
19 licensing requirements, and pays the required fee under § 17-39-207.  
20

21 SECTION 214. Arkansas Code § 17-39-208 is amended to read as follows:

22 17-39-208. Display of license and signature.

23 A polygraph examiner license, an intern polygraph examiner license, or  
24 the photo identification card issued by the Director of the ~~Department~~  
25 Division of Arkansas State Police shall be prominently displayed at the place  
26 of business of the licensee or worn on his or her person.  
27

28 SECTION 215. Arkansas Code § 17-39-209 is amended to read as follows:

29 17-39-209. Notification of address change.

30 Notice in writing shall be given to the Director of the ~~Department~~  
31 Division of Arkansas State Police by the polygraph examiner licensee or the  
32 intern of any change of principal business location, telephone number, or  
33 email address within thirty (30) days of the time he or she changes location,  
34 telephone number, or email address.  
35

36 SECTION 216. Arkansas Code § 17-39-210(a), concerning expiration and

1 renewal of polygraph examiner license, is amended to read as follows:

2 (a) Each polygraph examiner license shall be issued for the term of  
3 two (2) years and, unless suspended or revoked, may be renewed with  
4 documentation prescribed by the Director of the ~~Department~~ Division of  
5 Arkansas State Police.

6  
7 SECTION 217. The introductory language of Arkansas Code § 17-39-211,  
8 concerning grounds for denial, suspension, or revocation of intern polygraph  
9 examiner license, is amended to read as follows:

10 The Director of the ~~Department~~ Division of Arkansas State Police may  
11 deny, suspend, or revoke a polygraph examiner license or an intern polygraph  
12 examiner license on any one (1) or more of the following grounds:

13  
14 SECTION 218. Arkansas Code § 17-39-212(a), concerning criminal  
15 background checks in regards to a polygraph examiner license, is amended to  
16 read as follows:

17 (a) Each first-time applicant and applicant for license renewal shall  
18 be required to apply to the Identification Bureau of the ~~Department~~ Division  
19 of Arkansas State Police for a state and national criminal background check  
20 to be conducted by the Identification Bureau of the ~~Department~~ Division of  
21 Arkansas State Police and the Federal Bureau of Investigation.

22  
23 SECTION 219. Arkansas Code § 17-39-212(c), concerning criminal  
24 background checks in regards to a polygraph examiner license, is amended to  
25 read as follows:

26 (c) The applicant shall sign a release of information to the Director  
27 of the ~~Department~~ Division of Arkansas State Police and shall be responsible  
28 for the payment of any fee associated with the state and national criminal  
29 background check.

30  
31 SECTION 220. Arkansas Code § 17-39-213(a)(1)(A), concerning the  
32 proceedings regarding denial, suspension, or revocation of polygraph examiner  
33 license, is amended to read as follows:

34 (a)(1)(A) When the Director of the ~~Department~~ Division of Arkansas  
35 State Police seeks to deny an application or suspend or revoke a license  
36 issued under this chapter, the director shall notify the applicant or

1 licensee in person or by certified mail, return receipt requested, at the  
2 last address supplied to the director by the applicant or licensee.

3  
4 SECTION 221. Arkansas Code § 17-39-214(a), concerning an appeal of a  
5 denial, suspension, or revocation of a polygraph examiner license, is amended  
6 to read as follows:

7 (a) An applicant or licensee dissatisfied with the action of the  
8 Director of the ~~Department~~ Division of Arkansas State Police in denying,  
9 suspending, or revoking a license may appeal the decision of the director  
10 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

11  
12 SECTION 222. Arkansas Code § 17-39-215 is amended to read as follows:  
13 17-39-215. Rules.

14 The Director of the ~~Department~~ Division of Arkansas State Police may  
15 promulgate rules to permit the efficient administration of this chapter.

16  
17 SECTION 223. Arkansas Code § 17-39-303 is amended to read as follows:  
18 17-39-303. Applicant burden of proof.

19 An applicant who seeks licensure under this subchapter as a certified  
20 voice stress analysis examiner has the burden to provide sufficient  
21 information to bring himself or herself within the licensing standards that  
22 would allow the Director of the ~~Department~~ Division of Arkansas State Police  
23 to determine if the applicant is qualified to hold the license.

24  
25 SECTION 224. The introductory language of Arkansas Code § 17-39-304,  
26 concerning application for license, proof, and fee for a certified voice  
27 stress analysis examiner, is amended to read as follows:

28 A person who desires to be licensed as a certified voice stress  
29 analysis examiner and conduct voice stress analysis examinations within this  
30 state shall apply for licensure to the Director of the ~~Department~~ Division of  
31 Arkansas State Police and shall submit with the application documentation  
32 that the applicant:

33  
34 SECTION 225. Arkansas Code § 17-39-304(7), concerning application for  
35 license, proof, and fee for a certified voice stress analysis examiner, is  
36 amended to read as follows:

1           (7) Has successfully completed a course of training that has  
2 been approved by the Director of the ~~Department~~ Division of Arkansas State  
3 Police offering a certification in the operation of the voice stress analysis  
4 machine and submits a copy of the certification with the application; and  
5

6           SECTION 226. Arkansas Code § 17-39-305(b)(1), concerning fees for  
7 certified voice stress analysis examiner license, is amended to read as  
8 follows:

9           (b)(1) All fees received by the Director of the ~~Department~~ Division of  
10 Arkansas State Police under this subchapter are nonrefundable and shall be  
11 deposited into the State Treasury as special revenues to the credit of the  
12 ~~Department~~ Division of Arkansas State Police Fund.  
13

14           SECTION 227. The introductory language of Arkansas Code § 17-39-306,  
15 concerning grounds for denying, suspending, or revoking a voice stress  
16 analysis examiner license, is amended to read as follows:

17           The Director of the ~~Department~~ Division of Arkansas State Police may  
18 deny, suspend, or revoke a license of a certified voice stress analysis  
19 examiner on one (1) or more of the following grounds:  
20

21           SECTION 228. Arkansas Code § 17-39-307 is amended to read as follows:  
22           17-39-307. Rules.

23           The Director of the ~~Department~~ Division of Arkansas State Police may  
24 promulgate rules to permit the efficient administration of this subchapter.  
25

26           SECTION 229. Arkansas Code § 17-39-309(a), concerning a criminal  
27 background check for an applicant for renewal as a certified voice stress  
28 analysis examiner, is amended to read as follows:

29           (a)(1) Each first-time applicant and each applicant for renewal of  
30 licensure as a certified voice stress analysis examiner shall apply to the  
31 ~~Department~~ Division of Arkansas State Police for a state and national  
32 criminal background check to be conducted by the ~~department~~ division and the  
33 Federal Bureau of Investigation.

34           (2) Criminal history records from the Arkansas Crime Information  
35 Center shall be available to the Director of the ~~Department~~ Division of  
36 Arkansas State Police for the review of an applicant's qualifications.

1  
2 SECTION 230. Arkansas Code § 17-39-309(d), concerning a criminal  
3 background check for an applicant for renewal as a certified voice stress  
4 analysis examiner, is amended to read as follows:

5 (d) Upon completion of the state and national criminal background  
6 check, the ~~department~~ division shall forward to the director all releasable  
7 information obtained concerning the applicant.

8  
9 SECTION 231. Arkansas Code § 17-39-311(a), concerning an injunction  
10 for violation of the subchapter, is amended to read as follows:

11 (a) If a person violates this subchapter, the Director of the  
12 ~~Department~~ Division of Arkansas State Police, through the Attorney General,  
13 may apply in the circuit court having jurisdiction for an order enjoining the  
14 violation or for an order enforcing compliance with this subchapter.

15  
16 SECTION 232. Arkansas Code § 17-39-313(a), concerning the  
17 administration and the powers and duties of the Department of Arkansas State  
18 Police, is amended to read as follows:

19 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
20 may perform the functions and duties enumerated within this subchapter with  
21 respect to the licensing of certified voice stress analysis examiners and  
22 perform all other acts incidental and necessary to the proper performance of  
23 the functions and duties as prescribed in this subchapter.

24  
25 SECTION 233. Arkansas Code § 17-40-102(8)(B), concerning the  
26 definition of "assistant training administrator" under the Private Security  
27 Agency, Private Investigator, and School Security Licensing and Credentialing  
28 Act, is amended to read as follows:

29 (B) The assistant training administrator shall certify to  
30 the Director of the ~~Department~~ Division of Arkansas State Police that the  
31 required training has been completed;

32  
33 SECTION 234. Arkansas Code § 17-40-102(14), concerning the definition  
34 of "credential" under the Private Security Agency, Private Investigator, and  
35 School Security Licensing and Credentialing Act, is amended to read as  
36 follows:

1           (14) "Credential" means an authorization granted by the  
 2 ~~Department~~ Division of Arkansas State Police to an individual to perform the  
 3 duties of a private investigator, alarm systems monitor, alarm systems  
 4 apprentice, alarm systems technician, alarms systems agent, private security  
 5 officer, commissioned security officer, commissioned school security officer,  
 6 assistant training administrator, training administrator, training  
 7 instructor, manager, or branch office manager;

8  
 9           SECTION 235. Arkansas Code § 17-40-103(b), concerning persons exempt  
 10 under the Private Security Agency, Private Investigator, and School Security  
 11 Licensing and Credentialing Act, is amended to read as follows:

12           (b)(1) If the security department of a private business or school  
 13 hires or employs an individual in the capacity of a commissioned security  
 14 officer or commissioned school security officer, the security department of  
 15 the private business or school is not required to make application to the  
 16 ~~Department~~ Division of Arkansas State Police for any license under this  
 17 chapter.

18           (2) However, the private business or school is required to be  
 19 recognized by the Director of the ~~Department~~ Division of Arkansas State  
 20 Police as a private business or school for the purpose of employing the  
 21 commissioned security officer or commissioned school security officer.

22  
 23           SECTION 236. Arkansas Code § 17-40-105 is amended to read as follows:  
 24           17-40-105. Notice of violation.

25           The Director of the ~~Department~~ Division of Arkansas State Police shall  
 26 not deny, suspend, revoke, or fine any person required to be licensed,  
 27 credentialed, or commissioned under this chapter unless the person has been  
 28 notified of the alleged violation of this chapter within three hundred sixty-  
 29 five (365) days after the occurrence of the alleged violation.

30  
 31           SECTION 237. Arkansas Code § 17-40-106(a), concerning exclusive  
 32 regulation and authority of a political subdivision, is amended to read as  
 33 follows:

34           (a) The regulation of investigation, security, and alarm systems  
 35 companies is exclusive to the Director of the ~~Department~~ Division of Arkansas  
 36 State Police.

1  
2 SECTION 238. Arkansas Code § 17-40-204 is amended to read as follows:  
3 17-40-204. Administration.

4 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
5 shall perform such duties as may be prescribed by the director and shall have  
6 no financial, personal, or business interests in an entity licensed under  
7 this chapter.

8 (b) All legal processes and all documents required by law shall be  
9 served upon the director or his or her designee or filed within the  
10 ~~Department~~ Division of Arkansas State Police.

11  
12 SECTION 239. The introductory language of Arkansas Code § 17-40-  
13 207(a), concerning the powers and duties of the Director of the Department of  
14 Arkansas State Police, is amended to read as follows:

15 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
16 shall have the following powers and duties:

17  
18 SECTION 240. Arkansas Code § 17-40-208(a), concerning the  
19 establishment of minimum training requirements for personnel by the Director  
20 of the Department of Arkansas State Police, is amended to read as follows:

21 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
22 shall establish minimum training requirements under this chapter for a  
23 private security officer, a commissioned security officer, and a commissioned  
24 school security officer.

25  
26 SECTION 241. Arkansas Code § 17-40-209(b) and (c), concerning the fees  
27 and disposition of funds for investigating and credentialing private  
28 investigators or licensing private security agencies, are amended to read as  
29 follows:

30 (b) To assure that the intent is carried out, the expenditure for  
31 personal services and operating expenses associated with investigating and  
32 licensing, credentialing, or commissioning of individuals and agencies  
33 required to be licensed, credentialed, or commissioned under this chapter  
34 shall be limited in the aggregate to the amount deposited into the State  
35 Treasury to the credit of the ~~Department~~ Division of Arkansas State Police  
36 Fund from license, credential, and commission fees of the individuals and

1 agencies.

2 (c) In order to provide sufficient revenues to carry out the duties  
 3 and functions prescribed by this chapter, the Director of the ~~Department~~  
 4 Division of Arkansas State Police shall levy fees for licenses, credentials,  
 5 and commissions as authorized by this chapter as determined by the director.

6  
 7 SECTION 242. Arkansas Code § 17-40-209(e)(1), concerning the fees and  
 8 disposition of funds for investigating and credentialing private  
 9 investigators or licensing private security agencies, is amended to read as  
 10 follows:

11 (e)(1) All funds received by the director shall be deposited into the  
 12 State Treasury as special revenues to the credit of the ~~Department~~ Division  
 13 of Arkansas State Police Fund.

14  
 15 SECTION 243. Arkansas Code § 17-40-301(g), concerning unlawful acts  
 16 regarding private investigators, is amended to read as follows:

17 (g) A person shall not program an automatic dialing device to call a  
 18 law enforcement agency, fire department, emergency health service, or a  
 19 state, city, or county agency without the prior approval of the Director of  
 20 the ~~Department~~ Division of Arkansas State Police.

21  
 22 SECTION 244. The introductory language of Arkansas Code § 17-40-  
 23 302(a), concerning fees for private investigators, is amended to read as  
 24 follows:

25 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
 26 may assess fees under this chapter as follows:

27  
 28 SECTION 245. Arkansas Code § 17-40-306(a)(4), concerning license,  
 29 credential, and applicant qualifications for a private investigator, is  
 30 amended to read as follows:

31 (4) Be in compliance with any other reasonable qualifications  
 32 that the Director of the ~~Department~~ Division of Arkansas State Police may set  
 33 by rule;

34  
 35 SECTION 246. Arkansas Code § 17-40-306(d)(1)(B), concerning license,  
 36 credential, and applicant qualifications for a private investigator, is

1 amended to read as follows:

2 (B) A Class A misdemeanor involving theft, sexual  
3 offenses, violence, an element of dishonesty, or a crime against a person as  
4 determined by the ~~Department of Arkansas State Police~~ division under  
5 subsection (e) of this section; or

6  
7 SECTION 247. Arkansas Code § 17-40-306(e), concerning license,  
8 credential, and applicant qualifications for a private investigator, is  
9 amended to read as follows:

10 (e) The ~~department~~ division shall promulgate rules within ninety (90)  
11 days of May 23, 2016, that determine the offenses under subdivision (d)(1)(B)  
12 of this section that constitute a Class A misdemeanor involving theft, sexual  
13 offenses, violence, an element of dishonesty, or a crime against a person.

14  
15 SECTION 248. The introductory language of Arkansas Code § 17-40-  
16 307(a), concerning a license, credential, application, and examination for a  
17 private investigator, is amended to read as follows:

18 (a) An application for a license or credential under this chapter  
19 shall be in the form prescribed by the Director of the ~~Department~~ Division of  
20 Arkansas State Police and shall include:

21  
22 SECTION 249. Arkansas Code § 17-40-307(e)(1)(A), concerning a license,  
23 credential, application, and examination for a private investigator, is  
24 amended to read as follows:

25 (e)(1)(A) Each first-time applicant and applicant for license or  
26 credential renewal shall apply to the ~~Department~~ Division of Arkansas State  
27 Police for a state and national criminal background check to be conducted by  
28 the ~~department~~ division and the Federal Bureau of Investigation.

29  
30 SECTION 250. Arkansas Code § 17-40-307(e)(4), concerning a license,  
31 credential, application, and examination for a private investigator, is  
32 amended to read as follows:

33 (4) Upon completion of the state and national criminal  
34 background check, the ~~department~~ division shall forward to the director all  
35 releasable information obtained concerning the applicant.

36

1 SECTION 251. Arkansas Code § 17-40-308(a), concerning a license or  
2 credential, and insurance prerequisite for a private investigator, is amended  
3 to read as follows:

4 (a) A Class B, Class C, or Class G license shall not be issued to an  
5 applicant under this chapter unless the applicant files with the Director of  
6 the ~~Department~~ Division of Arkansas State Police proof of a policy of  
7 continuing public liability insurance in a sum not less than five hundred  
8 thousand dollars (\$500,000), conditioned to compensate any person for  
9 damages, including, but not limited to, bodily injury caused by wrongful acts  
10 of the principal or its servants, officers, agents, and employees in the  
11 conduct of any business licensed by this chapter.

12  
13 SECTION 252. Arkansas Code § 17-40-310 is amended to read as follows:

14 17-40-310. License and credential – Form.

15 A license or credential when issued shall be in the form prescribed by  
16 the Director of the ~~Department~~ Division of Arkansas State Police and shall  
17 include the:

- 18 (1) Name of the licensee or credential holder;  
19 (2) Name under which the licensee or credential holder is to  
20 operate; and  
21 (3) License or credential number and date of expiration.

22  
23 SECTION 253. Arkansas Code § 17-40-312 is amended to read as follows:

24 17-40-312. License and credential – Termination.

25 The Director of the ~~Department~~ Division of Arkansas State Police shall  
26 prescribe by rule the procedure under which a license or credential issued  
27 under this chapter may be terminated by the licensee or credential holder.

28  
29 SECTION 254. Arkansas Code § 17-40-313(a)(2), concerning the  
30 expiration and renewal of a license, is amended to read as follows:

31 (2) To renew an unexpired license or credential, the licensee or  
32 the credential holder shall apply for renewal on a form prescribed by the  
33 Director of the ~~Department~~ Division of Arkansas State Police and pay the  
34 renewal fee prescribed by this chapter.

35  
36 SECTION 255. Arkansas Code § 17-40-314(b)(2), concerning managers of

1 the business of each licensee, is amended to read as follows:

2 (2) Made a satisfactory showing to the Director of the  
 3 ~~Department~~ Division of Arkansas State Police that the person has the  
 4 qualifications prescribed by this chapter.

5  
 6 SECTION 256. Arkansas Code § 17-40-315(a), concerning the duties of  
 7 licensee or credential holders, is amended to read as follows:

8 (a) Each licensee or credential holder shall maintain a record  
 9 containing the information relative to his or her employees as may be  
 10 prescribed by the Director of the ~~Department~~ Division of Arkansas State  
 11 Police.

12  
 13 SECTION 257. Arkansas Code § 17-40-316(a), concerning the change of  
 14 address, telephone number, email address, name, or officers, or partners for  
 15 licenses and credentials, is amended to read as follows:

16 (a) A licensee or credential holder shall notify the Director of the  
 17 ~~Department~~ Division of Arkansas State Police within fourteen (14) days after  
 18 a change of the licensee's or credential holder's name, address, telephone  
 19 number, email address, or officer or partner.

20  
 21 SECTION 258. Arkansas Code § 17-40-317 is amended to read as follows:

22 17-40-317. Licensees and credential holders – Windup period.

23 When the individual on the basis of whose qualifications a license or  
 24 credential under this chapter has been obtained ceases to be connected with  
 25 the business for which a license or credential under this chapter is  
 26 required, the business may be carried on for a temporary period under such  
 27 terms and conditions as the Director of the ~~Department~~ Division of Arkansas  
 28 State Police shall provide by rule.

29  
 30 SECTION 259. Arkansas Code § 17-40-318 is amended to read as follows:

31 17-40-318. Training requirements for alarm systems company.

32 The Director of the ~~Department~~ Division of Arkansas State Police shall  
 33 promulgate rules regarding the training requirements for alarm systems  
 34 companies, alarm systems apprentices, alarm systems monitors, alarm systems  
 35 technicians, and alarm systems agents.

36

1 SECTION 260. Arkansas Code § 17-40-325(a), concerning a license or  
2 credential application, is amended to read as follows:

3 (a) A person who is employed as a private investigator, a manager, a  
4 private security officer, an alarm systems technician, an alarm systems  
5 monitor, an alarm systems apprentice, or an alarm systems agent and who is  
6 required to be licensed or credentialed under this chapter shall submit a  
7 properly completed application for the license or credential to the Director  
8 of the ~~Department~~ Division of Arkansas State Police within fourteen (14)  
9 calendar days after the commencement of employment.

10  
11 SECTION 261. Arkansas Code § 17-40-329(a)(1), concerning issuance of  
12 credential photo identification card, transfer and fee, and cancellation, is  
13 amended to read as follows:

14 (a)(1) A credential photo identification card of a size, a design, and  
15 content as may be determined by the Director of the ~~Department~~ Division of  
16 Arkansas State Police shall be issued by the ~~Department~~ Division of Arkansas  
17 State Police under this chapter.

18  
19 SECTION 262. Arkansas Code § 17-40-330 is amended to read as follows:  
20 17-40-330. Authority to issue commission to carry a firearm.

21 The Director of the ~~Department~~ Division of Arkansas State Police may  
22 determine the qualifications for and issue an authorization to carry a  
23 firearm in the form of a commission to a qualified security officer or  
24 qualified school security officer that shall be held during the course of his  
25 or her employment.

26  
27 SECTION 263. Arkansas Code § 17-40-337(a)(4), concerning the  
28 commission and applicant qualifications for a commissioned security officer  
29 or a commissioned school security officer, is amended to read as follows:

30 (4) Does not meet the qualifications for a commission as  
31 determined by the Director of the ~~Department~~ Division of Arkansas State  
32 Police;

33  
34 SECTION 264. Arkansas Code § 17-40-337(a)(6)(A) concerning the  
35 commission and applicant qualifications for a commissioned security officer  
36 or a commissioned school security officer, is amended to read as follows:

1           (6)(A) Has not successfully completed a state and national  
 2 criminal background check to be conducted by the ~~Department~~ Division of  
 3 Arkansas State Police and the Federal Bureau of Investigation.

4  
 5           SECTION 265. Arkansas Code § 17-40-339(a), concerning notice to law  
 6 enforcement regarding commissioned security officers, is amended to read as  
 7 follows:

8           (a) The Director of the ~~Department~~ Division of Arkansas State Police  
 9 shall notify the sheriff of the county and the chief of police of the city,  
 10 if applicable, in which the applicant resides of the application for a  
 11 commission to be a commissioned security officer or a commissioned school  
 12 security officer.

13  
 14           SECTION 266. Arkansas Code § 17-40-340 is amended to read as follows:

15           17-40-340. Commission – Issuance of identification card.

16           Each commission as a commissioned security officer or a commissioned  
 17 school security officer issued under this chapter shall be in the form of a  
 18 commission photo identification card designed by the Director of the  
 19 ~~Department~~ Division of Arkansas State Police that shall identify:

- 20           (1) The commission holder;
- 21           (2) The security department of a private business or school by  
 22 whom the commission holder is employed;
- 23           (3) A photograph of the credential holder; and
- 24           (4) A credential number and date of expiration.

25  
 26           SECTION 267. Arkansas Code § 17-40-342 is amended to read as follows:

27           17-40-342. Commission – Termination.

28           If the holder of a commission terminates his or her employment with the  
 29 licensee or the security department of a private business or school, he or  
 30 she shall return the commission photo identification card to the Director of  
 31 the ~~Department~~ Division of Arkansas State Police within seven (7) days of the  
 32 date of termination of the employment.

33  
 34           SECTION 268. Arkansas Code § 17-40-344 is amended to read as follows:

35           17-40-344. Commission – Denial, suspension, or revocation.

36           The Director of the ~~Department~~ Division of Arkansas State Police may

1 deny, suspend, or revoke a commission as a commissioned school security  
 2 officer or a commission as a commissioned security officer if the applicant  
 3 for a commission or the commission holder is indicted or arrested for one (1)  
 4 of the following offenses or a comparable offense in another state:

- 5 (1) A felony;
- 6 (2) A Class A misdemeanor;
- 7 (3) A crime involving an act of violence;
- 8 (4) A crime involving the use of a firearm;
- 9 (5) A crime involving the use of alcohol or drugs while in  
 10 possession of a firearm;
- 11 (6) A crime that results in the person's disqualifying himself  
 12 or herself from legally possessing a firearm under state or federal law; or
- 13 (7) A crime involving moral turpitude.

14  
 15 SECTION 269. Arkansas Code § 17-40-349(a), concerning the suspension  
 16 of a license, credential, or commission for nonpayment of child support, is  
 17 amended to read as follows:

18 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
 19 shall suspend a license, credential, or commission issued under this chapter  
 20 if the ~~Department~~ Division of Arkansas State Police is notified by the Office  
 21 of Child Support Enforcement that the licensee, credential holder, or  
 22 commission holder has not paid his or her required child support.

23  
 24 SECTION 270. Arkansas Code § 17-40-349(c)(2), concerning the  
 25 suspension of a license, credential, or commission for nonpayment of child  
 26 support, is amended to read as follows:

- 27 (2) Notification from the office to the ~~department~~ division.

28  
 29 SECTION 271. The introductory language of Arkansas Code § 17-40-  
 30 350(a), concerning grounds for disciplinary action by the Director of the  
 31 Department of Arkansas State Police, is amended to read as follows:

32 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
 33 may suspend or revoke a license, credential, or commission or issue a fine in  
 34 an amount not to exceed one thousand dollars (\$1,000) for each violation of  
 35 this chapter, or both, or the director may deny an application for a license,  
 36 credential, or commission, or renewal thereof, on proof that the applicant,

1 licensee, commission holder, or credential holder:

2  
3 SECTION 272. Arkansas Code § 17-40-351(a), concerning the procedure  
4 for denial of a license, credential, or commission, is amended to read as  
5 follows:

6 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
7 may deny the issuance of a license, credential, or commission under this  
8 chapter.

9  
10 SECTION 273. Arkansas Code § 17-40-352(a), concerning the record of  
11 denial, revocation, or suspension of a license, credential, or commission, is  
12 amended to read as follows:

13 (a) In the event that the Director of the ~~Department~~ Division of  
14 Arkansas State Police denies the application or suspends or revokes a  
15 license, credential, or commission, or if a fine is imposed, the director's  
16 decision shall be in writing.

17  
18 SECTION 274. Arkansas Code § 17-40-353(1), concerning reciprocity for  
19 a private investigator licensed or credentialed by another state, is amended  
20 to read as follows:

21 (1) The other state or territory grants similar reciprocity to  
22 credential holders of this state that coincides with the records on private  
23 investigator credential reciprocity maintained by the ~~Department~~ Division of  
24 Arkansas State Police;

25  
26 SECTION 275. Arkansas Code § 17-40-353(4), concerning reciprocity for  
27 a private investigator licensed or credentialed by another state, is amended  
28 to read as follows:

29 (4) The applicant meets other reasonable qualifications as may  
30 be adopted by the Director of the ~~Department~~ Division of Arkansas State  
31 Police.

32  
33 SECTION 276. Arkansas Code § 17-40-354 is amended to read as follows:  
34 17-40-354. Fingerprint cards.

35 (a) The Identification Bureau of the ~~Department~~ Division of Arkansas  
36 State Police and the Federal Bureau of Investigation may retain the

1 fingerprints collected for each individual who is fingerprinted under this  
 2 chapter.

3 (b) The Director of the ~~Department~~ Division of Arkansas State Police  
 4 may enroll a person issued a license, credential, or commission under this  
 5 chapter in a program that electronically notifies law enforcement if the  
 6 person has been arrested.

7  
 8 SECTION 277. Arkansas Code § 19-6-404 is amended to read as follows:  
 9 19-6-404. ~~Department~~ Division of Arkansas State Police Fund.

10 The ~~Department~~ Division of Arkansas State Police Fund shall consist of:

11 (1) Those special revenues as specified in § 19-6-301(1), (5), (7),  
 12 (8), (38)-(40), (94), (150), (168), (175), (184)-(186), (190), (218)-(220),  
 13 (222), (226), (227), (234), and (252);

14 (2) Moneys transferred or deposited from the State Administration of  
 15 Justice Fund;

16 (3) Those general revenues as may be provided by law, there to be used  
 17 for the maintenance, operation, and improvement of the ~~Department~~ Division of  
 18 Arkansas State Police in carrying out the functions, powers, and duties as  
 19 stated in § 12-8-106 or other duties imposed by law upon the department;

20 (4) Any revenues credited to the ~~Department~~ Division of Arkansas State  
 21 Police Fund under the ~~Department~~ Division of Arkansas State Police  
 22 Headquarters Facilities and Equipment Financing Act, § 12-8-601 et seq.; and

23 (5) Federal reimbursements received for eligible expenditures by the  
 24 various programs of the department made payable from the ~~Department~~ Division  
 25 of Arkansas State Police Fund.

26  
 27 SECTION 278. Arkansas Code § 19-11-605 is amended to read as follows:

28 19-11-605. Authority to transfer excess military property to state  
 29 and local agencies – Service charge.

30 The Law Enforcement Support Office of the Department of ~~Career~~  
 31 ~~Education~~ Public Safety may:

32 (1) Cooperate with the federal government under 10 U.S.C. §  
 33 2576a in the transfer of excess military property to state and local law  
 34 enforcement agencies:

35 (A) Whose primary function is the enforcement of  
 36 applicable federal, state, and local laws; and

1 (B) Whose compensated law enforcement officers have powers  
 2 of arrest and apprehension, including without limitation counter-drug and  
 3 counter-terrorism activities;

4 (2) Take any action necessary to the proper administration of  
 5 the acquisition and the distribution of excess military properties to  
 6 eligible claimants in this state, with distribution to be in accordance with  
 7 the appropriate controlling federal statutes;

8 (3) Establish service charges in an amount necessary to cover  
 9 the expenses of the Department of ~~Career Education~~ Public Safety incurred in  
 10 administering this section; and

11 (4) Take action as necessary to collect service charges and,  
 12 from any state moneys over which the department has control, withhold funds  
 13 necessary to pay an amount owing by a state or local law enforcement agency.  
 14

15 SECTION 279. Arkansas Code § 20-22-203 is amended to read as follows:  
 16 20-22-203. Staff, offices, and supplies provided.

17 The ~~State Fire Marshal's Office~~ Department of Public Safety shall  
 18 provide staff, office space and supplies, and other assistance as may be  
 19 necessary for the day-to-day operation of the State Fire Prevention  
 20 Commission and its activities.  
 21

22 SECTION 280. Arkansas Code § 20-22-204 is amended to read as follows:  
 23 20-22-204. Powers and duties.

24 (a) The State Fire Prevention Commission may:

25 (1)(A) Obtain all necessary information from fire departments,  
 26 police or sheriffs' departments, the ~~Department~~ Division of Arkansas State  
 27 Police, other state agencies, clinics, insurance companies, or any other  
 28 person with regard to fire, its causes, and its methods of prevention.

29 (B)(i) Notwithstanding any provision of law to the  
 30 contrary, information furnished under this subsection shall be confidential  
 31 and maintained as such if so requested by the persons providing the  
 32 information.

33 (ii) Nothing in this subsection shall prohibit the  
 34 use of confidential information to prepare statistics or other general data  
 35 when it is presented so as to prevent identification of the source of  
 36 information; and

1           (2) Receive and expend funds obtained from the federal  
2 government or other sources by means of contracts, grants, awards, gifts, and  
3 other devices in support of fire-prevention-related scientific and technical  
4 programs, studies, or other operations beneficial to the state.

5           (b) The ~~commission~~ State Fire Prevention Commission shall have the  
6 following duties and responsibilities:

7           (1) Develop a plan for statewide fire prevention, including  
8 plans for urban and rural fire prevention;

9           (2) Develop and maintain a fire prevention database upon which  
10 decisions concerning fire prevention and policy may intelligently be made;

11           (3) Identify state needs relative to fire prevention, including  
12 specific needs of urban and rural areas;

13           (4) Recommend actions to meet identified state needs relative to  
14 fire prevention;

15           (5) Monitor and review the effectiveness of existing and  
16 proposed fire prevention programs;

17           (6) Maintain an awareness of fire prevention research and  
18 development of importance to the state in order to promote information  
19 exchange and coordination of efforts;

20           (7) Recommend legislative and executive action to encourage  
21 development of fire prevention resources and the efficient utilization of the  
22 resources;

23           (8) Administer a public fire prevention awareness program to  
24 inform the public of the importance and methods of fire prevention;

25           (9) Advise the General Assembly, the Governor, the State Fire  
26 Marshal, the Arkansas Forestry Commission, the Director of the Arkansas Fire  
27 Training Academy, the Director of the ~~Department~~ Division of Arkansas State  
28 Police, and the Insurance Commissioner on fire prevention and program matters  
29 of importance to each;

30           (10) Advise on the delegation of responsibilities to state  
31 agencies responsible for fire prevention and policy and recommend resolution  
32 of conflicts between the various agencies on fire prevention matters;

33           (11) Develop an annual report on the activities of the State  
34 Fire Prevention Commission and transmit the report to the ~~Governor~~ Secretary  
35 of the Department of Public Safety and the General Assembly on or before  
36 November 30 annually; and

1           (12) Coordinate activities with the Federal Emergency Management  
2 Agency and any of the other federal or state agencies involved with fire  
3 prevention matters.  
4

5           SECTION 281. Arkansas Code § 20-22-701(5), concerning the definition  
6 of "license" under the laws governing fireworks, is amended to read as  
7 follows:

8           (5) "License" means the written authority of the Director of the  
9 ~~Department~~ Division of Arkansas State Police issued under the authority of  
10 this subchapter to a distributor, jobber, wholesaler, manufacturer, importer,  
11 or retailer for a fee as provided in § 20-22-707;  
12

13           SECTION 282. Arkansas Code § 20-22-701(7), concerning the definition  
14 of "permit" under the laws governing fireworks, is amended to read as  
15 follows:

16           (7) "Permit" means the written authority of the Director of the  
17 ~~Department~~ Division of Arkansas State Police issued for a public fireworks  
18 display under the authority of this subchapter;  
19

20           SECTION 283. Arkansas Code § 20-22-702(a), concerning exceptions for  
21 public displays of fireworks, is amended to read as follows:

22           (a) Nothing in this subchapter shall be construed as applying to the  
23 shipping, sale, possession, and use of fireworks for public displays by  
24 holders of a permit for a public display to be conducted in accordance with  
25 the rules and regulations promulgated by the Director of the ~~Department~~  
26 Division of Arkansas State Police. Such items of fireworks which are to be  
27 used for public display only and which are otherwise prohibited for sale and  
28 use within the state shall include display shells designed to be fired from  
29 mortars and display set pieces of fireworks classified by the regulations of  
30 the Surface Transportation Board as Class B special fireworks and shall not  
31 include such items of commercial fireworks as cherry bombs, tubular salutes,  
32 repeating bombs, aerial bombs, and torpedoes.  
33

34           SECTION 284. Arkansas Code § 20-22-702(d)(1), concerning exceptions  
35 for public displays of fireworks, is amended to read as follows:

36           (d)(1) The ~~Department~~ Division of Arkansas State Police may charge a

1 fee not to exceed fifty dollars (\$50.00) for each permit issued under this  
2 section.

3  
4 SECTION 285. Arkansas Code § 20-22-702(d)(3), concerning exceptions  
5 for public displays of fireworks, is amended to read as follows:

6 (3) All permit fees shall be remitted to the ~~department~~ division  
7 and shall be deposited into the State Treasury as special revenues to the  
8 credit of the ~~Department~~ Division of Arkansas State Police Fund.

9  
10 SECTION 286. Arkansas Code § 20-22-703(a)(1)(D), concerning exceptions  
11 regarding fireworks law, is amended to read as follows:

12 (D) Transportation, sale, or use of permissible fireworks  
13 as defined in § 20-22-708 or special fireworks as defined in § 20-22-701  
14 solely for agricultural or industrial purposes, provided that the purchaser  
15 first secures a written permit to purchase and use the fireworks for  
16 agricultural or industrial purposes from the Director of the ~~Department~~  
17 Division of Arkansas State Police.

18  
19 SECTION 287. Arkansas Code § 20-22-707(a)(1)(A), concerning  
20 application and issuance of license for manufacturer, importer, distributor,  
21 jobber, retailer, or shooter of fireworks, is amended to read as follows:

22 (a)(1)(A) To be licensed as a manufacturer, importer, distributor,  
23 jobber, retailer, retailer all-year, or shooter of fireworks, a first-time  
24 applicant shall submit to the Director of the ~~Department~~ Division of Arkansas  
25 State Police an application on a form provided by the director setting forth  
26 the information that the director determines necessary to ensure public  
27 health, safety, and welfare.

28  
29 SECTION 288. Arkansas Code § 20-22-707(a)(2)(A), concerning the  
30 application and issuance of a license for a manufacturer, importer,  
31 distributor, jobber, retailer, or shooter of fireworks, is amended to read as  
32 follows:

33 (2)(A) A retailer may purchase a license from its vendor if the  
34 vendor is a licensed importer, distributor, or jobber or from the State Fire  
35 Marshal Enforcement Section of the ~~Department~~ Division of Arkansas State  
36 Police. The retailers' licenses shall be made available by the ~~Department~~

1 Division of Arkansas State Police to the vendor in books of twenty (20)  
2 licenses to a book.

3  
4 SECTION 289. Arkansas Code § 20-22-707(c), concerning application and  
5 issuance of license for manufacturer, importer, distributor, jobber,  
6 retailer, or shooter of fireworks, is amended to read as follows:

7 (c) All funds collected under this subchapter by the director,  
8 including license fees and penalties, shall be deposited into the State  
9 Treasury to the credit of the ~~Department~~ Division of Arkansas State Police  
10 Fund.

11  
12 SECTION 290. Arkansas Code § 20-22-707(h), concerning the application  
13 and issuance of a license for a manufacturer, importer, distributor, jobber,  
14 retailer, or shooter of fireworks, is amended to read as follows:

15 (h) The director may revoke or deny an application for any license or  
16 permit at any time for violating any provision of this subchapter or for  
17 falsifying any information provided to the ~~department~~ division as part of an  
18 application for a license or permit.

19  
20 SECTION 291. Arkansas Code § 20-22-710(e), concerning the location and  
21 display of fireworks, is amended to read as follows:

22 (e) All licensees under this subchapter shall have a fire extinguisher  
23 of a type approved by the Director of the ~~Department~~ Division of Arkansas  
24 State Police in an area readily accessible to any point of storage or sale of  
25 fireworks. In lieu of such an extinguisher, retailers may maintain a common  
26 type of water hose, charged and connected to a water system, which is readily  
27 available to any area where fireworks are stored or sold.

28  
29 SECTION 292. Arkansas Code § 20-22-714(a), concerning the seizure of  
30 contraband fireworks, is amended to read as follows:

31 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
32 shall seize as contraband any fireworks other than Class C common fireworks  
33 defined in § 20-22-708 or special fireworks for public displays as provided  
34 in § 20-22-702 or for agricultural or industrial purposes as provided in §  
35 20-22-703, which are sold, displayed, used, or possessed in violation of this  
36 subchapter.

1  
2 SECTION 293. Arkansas Code § 20-22-715(a), concerning a notice of  
3 violation and hearing, is amended to read as follows:

4 (a) With reference to the administrative and civil penalties imposed  
5 by this subchapter, the Director of the ~~Department~~ Division of Arkansas State  
6 Police shall notify the person accused of a violation, setting a time and  
7 place for hearing to be held by the director or his or her designated agent.  
8

9 SECTION 294. Arkansas Code § 20-22-803(a)(3), concerning the creation  
10 and membership of the Arkansas Fire Protection Services Board, is amended to  
11 read as follows:

12 (3) The Director of the Arkansas Fire Training Academy, the  
13 Director of the ~~Arkansas Department~~ Division of Emergency Management or his  
14 or her designee, and the State Fire Marshal or his or her designee shall be  
15 ex officio members.  
16

17 SECTION 295. Arkansas Code § 20-22-804(A)(5), concerning the powers  
18 and duties of the Arkansas Fire Protection Services Board, is amended to read  
19 as follows:

20 (5) Serve in an advisory capacity to the Director of the  
21 ~~Arkansas Department~~ Division of Emergency Management with respect to the  
22 operation of fire services and the matters concerning certification and  
23 standards related to fire services in the state;  
24

25 SECTION 296. Arkansas Code § 20-22-805 is amended to read as follows:  
26 20-22-805. Office of Fire Protection Services – Creation.

27 (a) There is created the Office of Fire Protection Services which  
28 shall be under the supervision and direction of the Director of the ~~Arkansas~~  
29 ~~Department~~ Division of Emergency Management.

30 (b) The Director of the Office of Fire Protection Services, who shall  
31 be employed by the Director of the ~~Arkansas Department~~ Division of Emergency  
32 Management, with the approval of the Secretary of the Department of Public  
33 Safety, shall have the responsibility to carry out the administrative  
34 functions and directives of the Arkansas Fire Protection Services Board.

35 ~~(c) The Director of the Office of Fire Protection Services may employ~~  
36 ~~personnel as may be authorized by law to carry out the duties of the office.~~

1  
2 SECTION 297. Arkansas Code § 20-45-302(c)(6), concerning the creation  
3 and purpose of the Arkansas Suicide Prevention Council, is amended to read as  
4 follows:

5 (6) A representative of law enforcement, to be designated by the  
6 Director of the ~~Department~~ Division of Arkansas State Police;

7  
8 SECTION 298. Arkansas Code § 20-64-1002(b)(1)(C), concerning the  
9 creation of the Arkansas Alcohol and Drug Abuse Coordinating Council, is  
10 amended to read as follows:

11 (C) The Director of the ~~Department~~ Division of Arkansas  
12 State Police;

13  
14 SECTION 299. Arkansas Code § 20-64-1002(b)(1)(J), concerning the  
15 creation of the Arkansas Alcohol and Drug Abuse Coordinating Council, is  
16 amended to read as follows:

17 (J) The ~~Executive~~ Director of the State Crime Laboratory;

18  
19 SECTION 300. Arkansas Code § 20-64-1003(d), concerning the functions,  
20 powers, and duties of the Arkansas Alcohol and Drug Abuse Coordinating  
21 Council, is amended to read as follows:

22 (d) The council shall develop training and education programs for  
23 criminal justice personnel in drug-related matters in conjunction with the  
24 ~~Arkansas Commission on~~ Division of Law Enforcement Standards and Training.

25  
26 SECTION 301. Arkansas Code § 21-5-705(a)(1), concerning funds for  
27 payment of a claim to designated beneficiaries or survivors of certain  
28 specified public employees killed in the line of duty, is amended to read as  
29 follows:

30 (1) Police officer, wildlife enforcement officer, commissioned  
31 law enforcement officer or emergency response employee of the ~~State Parks~~  
32 ~~Division of the~~ Department of Parks, Heritage, and Tourism, ~~Department~~  
33 Division of Community Correction employee, employee of the ~~Department~~  
34 Division of Correction, jailer, or coroner whose death occurred:

35 (A) After January 1, 2003; and

36 (B) Either:

1 (i) In the official line of duty as the result of a  
 2 criminal or negligent action of another person or persons or as the result of  
 3 the engagement in exceptionally hazardous duty; or

4 (ii) In the line of duty while the officer or  
 5 employee was performing emergency medical activities;

6  
 7 SECTION 302. Arkansas Code § 21-5-705(b), concerning funds for payment  
 8 of a claim to designated beneficiaries or survivors of certain specified  
 9 public employees killed in the line of duty, is amended to read as follows:

10 (b) In addition to the benefits provided for in subsection (a) of this  
 11 section, the state shall pay the additional sum of twenty-five thousand  
 12 dollars (\$25,000) to the designated beneficiary, surviving spouse, or  
 13 surviving children under twenty-two (22) years of age of any police officer,  
 14 wildlife enforcement officer of the Arkansas State Game and Fish Commission,  
 15 commissioned law enforcement officer of the ~~State Parks Division of the~~  
 16 Department of Parks, Heritage, and Tourism, ~~Department~~ Division of Community  
 17 Correction employee, or employee of the ~~Department~~ Division of Correction:

18 (1) Who was wearing a bulletproof vest approved by the Director  
 19 of the ~~Department~~ Division of Arkansas State Police; and

20 (2) Whose death occurred:

21 (A) After July 1, 1989; and

22 (B) In the official line of duty as the result of a  
 23 criminal action of another person or persons.

24  
 25 SECTION 303. Arkansas Code § 22-3-304(a), concerning the enforcement  
 26 of the subchapter by the Director of the Department of Arkansas State Police,  
 27 is amended to read as follows:

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

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SECTION 304. Arkansas Code § 22-8-210 is amended to read as follows:  
22-8-210. Motor vehicle renovation.

(a) Funds deposited into the Motor Vehicle Acquisition Revolving Fund created by § 19-5-1002(a) and § 22-8-206(b), which may be made available for the purchase of motor vehicles for the ~~Department~~ Division of Arkansas State Police, may in addition be made available and used for expenses associated with the renovation of state police motor vehicles.

(b) If the Director of the ~~Department~~ Division of Arkansas State Police determines the cost associated with renovating or repairing state police motor vehicles is economically beneficial, he or she shall contract with a qualified vendor and, when invoiced, shall submit said invoice to the Chief Fiscal Officer of the State, who shall direct payment from moneys set aside in the fund for the ~~department~~ division.

SECTION 305. Arkansas Code § 23-89-504(f), concerning enforcement violations, safety inspection, and insurance requirement of amusement attractions or rides, is amended to read as follows:

(f) The Director of the ~~Department~~ Division of Labor and his or her deputies, assistants, examiners, and employees and the Director of the ~~Department~~ Division of Arkansas State Police and his or her deputies, officers, assistants, and employees and any public law enforcement officer shall not be liable for any damages occurring as a result of the implementation of this subchapter.

SECTION 306. Arkansas Code § 23-89-509 is amended to read as follows:  
23-89-509. Cease and desist orders – Notice required.

(a)(1) Upon issuance of cease and desist orders pursuant to § 23-89-504 or § 23-89-507, the Director of the ~~Department~~ Division of Labor shall promptly transmit his or her order to the Director of the ~~Department~~ Division of Arkansas State Police.

(2) Whenever possible, the Director of the ~~Department~~ Division of Labor shall notify any applicable fair boards or sponsoring organizations in the respective districts or counties of this state where the amusement attractions or amusement rides are in operation or are scheduled to be in operation.

1           (3) The Director of the ~~Department~~ Division of Labor shall  
 2 promptly notify these parties when a cease and desist order has been  
 3 rescinded upon proof of the operator’s compliance with the provisions of this  
 4 subchapter.

5           (b) Upon receipt of the Director of the ~~Department~~ Division of Labor’s  
 6 order to cease and desist operations pursuant to subsection (a) of this  
 7 section, the ~~Department~~ Division of Arkansas State Police shall promptly  
 8 serve the order on the operator and order the operator immediately to cease  
 9 operation of all applicable amusement attractions or amusement rides in  
 10 operation or scheduled to be in operation in those districts or counties  
 11 until the cease and desist order has been rescinded.

12  
 13           SECTION 307. Arkansas Code § 24-6-201(6) and (7), concerning the  
 14 definition of "department" and "director" under the laws governing the State  
 15 Police Retirement System, are repealed.

16           ~~(6) “Department” means the Department of Arkansas State Police;~~

17           ~~(7) “Director” means the Director of the Department of Arkansas~~  
 18 ~~State Police;~~

19  
 20           SECTION 308. Arkansas Code § 24-6-201(8), concerning the definition of  
 21 "final average compensation" under the laws governing the State Police  
 22 Retirement System, is amended to read as follows:

23           (8)(A) “Final average compensation” for contributory service  
 24 means the average of the annual salaries paid a member for the three (3)  
 25 years of credited service rendered by the member immediately preceding his or  
 26 her last termination of employment with the ~~department~~ Division of Arkansas  
 27 State Police, but the final average compensation shall not exceed that of the  
 28 highest permanent rank.

29           (B)(i) “Final average compensation” for Tier I  
 30 noncontributory service means the average of the highest annual compensation  
 31 paid a member during any period of sixty (60) calendar months of credited  
 32 service with the ~~Department of Arkansas State Police~~ division.

33           (ii) Should a member have less than sixty (60)  
 34 calendar months of credited service, “final average compensation” means the  
 35 monthly average paid to the member during his or her total years of credited  
 36 service;

1  
2 SECTION 309. Arkansas Code § 24-6-201(16), concerning the definition  
3 of "retirement" under the laws governing the State Police Retirement System,  
4 is amended to read as follows:

5 (16) "Retirement" means a member's withdrawal from the employ of  
6 the ~~department~~ division with a pension payable from funds of the system;

7  
8 SECTION 310. Arkansas Code § 24-6-201(18) and (19), concerning the  
9 definitions of "service" and "state police officer" under the laws governing  
10 the State Police Retirement System, are amended to read as follows:

11 (18) "Service" means service rendered to the ~~department~~ division  
12 by a state police officer and shall include previous service, if any,  
13 rendered as an Arkansas state ranger and with the Department of Arkansas  
14 State Police;

15 (19)(A) "State police officer" means any employee of the  
16 ~~Department of Arkansas State Police~~ division or its predecessor entities who  
17 holds the rank of state trooper or higher rank, and it shall include the  
18 ~~director~~ Director of the Division of Arkansas State Police.

19 (B) The term "state police officer" shall not include any  
20 civilian employee of the ~~department~~ division, nor shall it include any person  
21 who is temporarily employed as a state trooper for an emergency.

22 (C) In any case of doubt as to who is a "state police  
23 officer", the board shall decide the question;

24  
25 SECTION 311. Arkansas Code § 24-6-207(a), concerning membership in the  
26 State Police Retirement System, is amended to read as follows:

27 (a) The Director of the ~~Department~~ Division of Arkansas State Police  
28 and all other state police officers ~~who were state police officers March 19,~~  
29 ~~1951, and who continued as state police officers on or after March 19, 1951,~~  
30 shall become members of the State Police Retirement System.

31  
32 SECTION 312. Arkansas Code § 24-6-207(c), concerning membership in the  
33 State Police Retirement System, is amended to read as follows:

34 (c) None of the other employees of the ~~Department~~ Division of Arkansas  
35 State Police shall be eligible to membership in the system, and the  
36 conferring of rank upon any such employee shall not, in itself, constitute

1 eligibility to membership in the system.

2  
3 SECTION 313. Arkansas Code § 24-6-405(a), concerning eligibility for  
4 benefits and disability retirement from the State Police Retirement System,  
5 is amended to read as follows:

6 (a)(1)(A) Upon application filed with the Board of Trustees of the  
7 State Police Retirement System by a member or by the Director of the  
8 ~~Department~~ Division of Arkansas State Police on behalf of a member, a member  
9 who is in the employ of the ~~Department~~ Division of Arkansas State Police, who  
10 has five (5) or more years of actual service, and who becomes totally and  
11 permanently incapacitated for duty in the employ of the ~~department~~ division  
12 by reason of personal injury or disease may be retired by the Board of  
13 Trustees of the State Police Retirement System, but only after a medical  
14 examination of the member.

15 (B) This examination shall be made by or under the  
16 direction of a board of medical professionals as defined in the rules of the  
17 Board of Trustees of the State Police Retirement System, using the active  
18 duty criteria supplied by the ~~department~~ division in determining the extent  
19 of the disability.

20 (2) The five (5) years of service requirement contained in this  
21 subsection shall not apply to a member whom the Board of Trustees of the  
22 State Police Retirement System finds to be in receipt of workers'  
23 compensation for his or her disability arising solely and exclusively out of  
24 and in the course of his or her employment with the ~~department~~ division.

25  
26 SECTION 314. Arkansas Code § 24-6-405(c)(4), concerning eligibility  
27 for benefits and disability retirement from the State Police Retirement  
28 System, is amended to read as follows:

29 (4) If, upon the medical examination of the retirant, the  
30 medical professionals designated by the Board of Trustees of the State Police  
31 Retirement System report to the Board of Trustees of the State Police  
32 Retirement System that the retirant is physically capable of performing the  
33 duties of the rank held by him or her at the time of his or her retirement,  
34 the retirant shall be returned to the employ of the ~~department~~ division, and  
35 his or her disability pension shall be terminated.

36

1 SECTION 315. Arkansas Code § 24-6-405(d), concerning eligibility for  
2 benefits and disability retirement from the State Police Retirement System,  
3 is amended to read as follows:

4 (d)(1) Upon a disability retirant's return to the employ of the  
5 ~~department~~ division as provided in subsection (c) of this section, his or her  
6 service at the time of his or her retirement shall be restored to his or her  
7 credit.

8 (2) He or she shall be given service credit for the period he or  
9 she was receiving a disability pension if within that period he or she was in  
10 receipt of workers' compensation on account of his or her ~~department~~ division  
11 employment.

12  
13 SECTION 316. Arkansas Code § 25-17-304(e)(3)(D), concerning the  
14 appointment and removal of institutional law enforcement officers, is amended  
15 to read as follows:

16 (D) The ~~Arkansas Commission on~~ Division of Law Enforcement  
17 Standards and Training shall be notified of any change in an institutional  
18 law enforcement officer's status.

19  
20 SECTION 317. Arkansas Code § 27-14-1006(a), concerning the authority  
21 to issue permanent license plates subject to replacement, is amended to read  
22 as follows:

23 (a) The ~~Director~~ Secretary of the Department of Finance and  
24 Administration is authorized to issue to the owner of a vehicle subject to  
25 this subchapter a permanent license plate subject to replacement at the  
26 request of the owner because of theft, loss, wear, or mutilation, or at the  
27 discretion of either the Director of the ~~Department~~ Division of Arkansas  
28 State Police or the ~~Director~~ Secretary of the Department of Finance and  
29 Administration.

30  
31 SECTION 318. Arkansas Code § 27-16-508(b), concerning the Office of  
32 Driver Services fee for reinstatement, is amended to read as follows:

33 (b) The revenues derived from this fee shall be deposited into the  
34 State Treasury as special revenues to the credit of the ~~Department~~ Division  
35 of Arkansas State Police Fund.

36

1 SECTION 319. Arkansas Code § 27-16-808(b)(2), concerning reinstatement  
2 charge for a suspended license, is amended to read as follows:

3 (2) Seventy-five percent (75%) to the State Treasury as special  
4 revenues to the credit of the ~~Department~~ Division of Arkansas State Police  
5 Fund.  
6

7 SECTION 320. Arkansas Code § 27-23-108(a)(1)(B), concerning commercial  
8 driver license qualification standards, is amended to read as follows:

9 (B)(i) The tests shall be prescribed by the ~~Department~~  
10 Division of Arkansas State Police and shall be conducted by the ~~Department of~~  
11 ~~Arkansas State Police~~ division or by a third-party tester designated by the  
12 ~~Department of Arkansas State Police~~ division under regulations promulgated as  
13 provided in this section.

14 (ii) The knowledge test administered by the  
15 ~~Department of Arkansas State Police~~ division shall be given in electronic  
16 format.

17 (iii) The result of a test administered by the  
18 ~~Department of Arkansas State Police~~ division or by a third-party tester shall  
19 be transmitted electronically to the Department of Finance and  
20 Administration.  
21

22 SECTION 321. Arkansas Code § 27-23-108(a)(2), concerning commercial  
23 driver license qualification standards, is amended to read as follows:

24 (2) The ~~Department of Arkansas State Police~~ division shall, by  
25 rules, authorize a person, including an agency of this state, an employer, a  
26 private driver training facility, another private institution, or a  
27 department, agency, or instrumentality of local government, to administer the  
28 skills test specified by this section pursuant to the requirements of 49  
29 C.F.R. § 383.75, as in effect on January 1, 2013. These third-party testing  
30 regulations shall provide at a minimum that:

31 (A) A skills test given by a third-party tester is the  
32 same as a test that would otherwise be given by the ~~Department of Arkansas~~  
33 ~~State Police~~ division using:

34 (i) The same version of the skills test;  
35 (ii) The same written instructions for test  
36 applicants; and

1 (iii) The same scoring sheets as those prescribed in  
2 49 C.F.R. part 383, subparts G and H, as in effect on January 1, 2013;

3 (B) A third-party skills test examiner shall meet the  
4 requirements of 49 C.F.R. § 384.228, as in effect on January 1, 2013;

5 (C) The third-party tester shall enter into an agreement  
6 with the ~~Department of Arkansas State Police~~ division that demonstrates  
7 compliance with all of the requirements of 49 C.F.R. § 383.75, as in effect  
8 on January 1, 2013;

9 (D) The ~~Department of Arkansas State Police~~ division shall  
10 designate and provide to any third-party testers the evidence to be used to  
11 indicate to the Department of Finance and Administration that an applicant  
12 had successfully passed the skills test;

13 (E) The eligibility to become a third-party tester shall  
14 be open to qualified persons under the regulations at least two (2) times  
15 annually, provided there are sufficient numbers of qualified applicants to  
16 conduct classes;

17 (F) The third-party tester shall pay a third-party testing  
18 administration fee as may be determined by the Director of the ~~Department~~  
19 Division of Arkansas State Police to recover the costs of administering the  
20 testing program and examination distribution expenses;

21 (G) The ~~Department of Arkansas State Police~~ division shall  
22 issue each third-party skills test examiner a skills testing certificate upon  
23 successful completion of a formal skills test examiner training course  
24 pursuant to 49 C.F.R. § 384.228, as in effect on January 1, 2013; and

25 (H) The ~~Department of Arkansas State Police~~ division shall  
26 audit and monitor third-party testers and third-party skills test examiners  
27 pursuant to the requirements of 49 C.F.R. § 384.229, as in effect on January  
28 1, 2013.

29  
30 SECTION 322. Arkansas Code § 27-23-108(a)(3)(B)(i), concerning  
31 commercial driver license qualification standards, is amended to read as  
32 follows:

33 (B)(i) A new third-party tester applicant shall certify to  
34 the ~~Department of Arkansas State Police~~ division the number of tests it  
35 anticipates conducting in its first year of testing and shall obtain and  
36 maintain a bond based upon the number of tests it anticipates conducting that

1 corresponds to the amount provided in subdivision (a)(3)(A) of this section  
2 for tests in the preceding calendar year.

3  
4 SECTION 323. Arkansas Code § 27-23-108(a)(3)(D), concerning commercial  
5 driver license qualification standards, is amended to read as follows:

6 (D) In the event that a third-party tester or one of its  
7 examiners is involved in fraudulent activities related to conducting skills  
8 testing that require a driver to be retested, the third party tester's bond  
9 is liable to the ~~Department of Arkansas State Police~~ division for payment of  
10 its actual costs to retest the driver.

11  
12 SECTION 324. Arkansas Code § 27-23-108(b)(1), concerning commercial  
13 driver license qualification standards, is amended to read as follows:

14 (1) The ~~Department of Arkansas State Police~~ division may waive  
15 the skills test specified in this section for a commercial driver license  
16 applicant who meets the requirements of 49 C.F.R., § 383.77, as in effect on  
17 January 1, 2013.

18  
19 SECTION 325. The introductory language of Arkansas Code § 27-23-  
20 108(b)(2)(B), concerning commercial driver license qualification standards,  
21 is amended to read as follows:

22 (B) The ~~Department of Arkansas State Police~~ division shall  
23 waive the skills test specified in this section for any commercial driver  
24 license applicant who:

25  
26 SECTION 326. The introductory language of Arkansas Code § 27-23-  
27 108(b)(2)(C), concerning commercial driver license qualification standards,  
28 is amended to read as follows:

29 (C) The ~~Department of Arkansas State Police~~ division  
30 shall:

31  
32 SECTION 327. Arkansas Code § 27-23-108(e)(1)(A), concerning commercial  
33 driver license qualification standards, is amended to read as follows:

34 (A) Completes a human trafficking prevention course  
35 administered by the ~~Department of Arkansas State Police~~ division or by a  
36 third party approved by the ~~Department of Arkansas State Police~~ division to

1 present a human trafficking prevention course under regulations promulgated  
2 as provided in this section; or

3  
4 SECTION 328. Arkansas Code § 27-37-701(2), concerning the definition  
5 of "seat belt" under the motor vehicle laws, is amended to read as follows:

6 (2) "Seat belt" means any passenger restraint system as defined  
7 by the ~~Department~~ Division of Arkansas State Police, except that, until such  
8 time as the ~~department~~ division has promulgated regulations defining "seat  
9 belt", the term means any passenger restraint system which meets the federal  
10 requirements contained in 49 C.F.R. § 571.208.

11  
12 SECTION 329. Arkansas Code § 7-53-210(a) and (b), concerning the fees  
13 for copies made by the Department of Arkansas State Police, are amended to  
14 read as follows:

15 (a) Except as provided under § 27-53-202(b)(2)(B), photostatic or  
16 written copies of reports and records may be obtained from the Director of  
17 the ~~Department~~ Division of Arkansas State Police, or from his or her duly  
18 designated assistants, by any person who makes a written request for them to  
19 the ~~department~~ Division of Arkansas State Police.

20 (b)(1) In order to partially reimburse the ~~Department of Arkansas~~  
21 ~~State Police~~ division for the cost of making photostatic or written copies of  
22 motor vehicle accident reports and copies of records of traffic violations,  
23 there shall be charged a fee of ten dollars (\$10.00) for each copy of a basic  
24 accident report and a fee of one dollar fifty cents (\$1.50) per page for each  
25 copy of a supplemental report.

26 (2) All funds collected under this subsection shall immediately  
27 be paid over by the ~~Department of Arkansas State Police~~ division to the  
28 Treasurer of State and shall be credited by him or her as a special revenue  
29 to the ~~Department~~ Division of Arkansas State Police Fund.

30  
31 SECTION 330. Arkansas Code § 27-67-222(a), concerning the state police  
32 officer highway dedication program, is amended to read as follows:

33 (a)(1) "State police officer" means any employee of the ~~Department~~  
34 Division of Arkansas State Police who holds the rank of state trooper or  
35 higher rank, including the Director of the ~~Department~~ Division of Arkansas  
36 State Police.

(2) The term “state police officer” does not include any:

(A) Civilian employee of the ~~department~~ division; or

(B) Person who is temporarily employed as a state trooper during an emergency.

SECTION 331. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the provisions of this act should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. 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, 2019.