

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/6/21

A Bill

SENATE BILL 242

5 By: Senator G. Stubblefield
6 By: Representative *Wardlaw*
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE STATE
10 CAPITOL POLICE; TO AMEND ARKANSAS LAW CONCERNING THE
11 TRANSFER OF A STATE ENTITY; TO DECLARE AN EMERGENCY;
12 AND FOR OTHER PURPOSES
13
14

Subtitle

15 TO AMEND ARKANSAS LAW CONCERNING THE
16 STATE CAPITOL POLICE; TO AMEND ARKANSAS
17 LAW CONCERNING THE TRANSFER OF A STATE
18 ENTITY; AND TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

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

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

30 (b) The administrative functions of the State Capitol Police are
31 transferred by a cabinet-level department transfer under § 25-43-1402 from
32 the Secretary of State to the Department of Public Safety.

33 (c) The statutory authority, powers, duties, functions, records,
34 personnel, property, vehicles, equipment, office materials, including without
35 limitation file cabinets, desks, chairs, and video monitoring equipment, and
36 the functions of budgeting and purchasing of the State Capitol Police are



1 transferred to the Department of Public Safety.

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

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

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13 effect until amended or repealed under authority given by law.

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

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

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

26
27 SECTION 2. Arkansas Code § 6-60-213(a)(1)(A), concerning reduced
28 tuition for certain police officers, is amended to read as follows:

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

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

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

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

36 (ii) A highway police officer who has been an

1 employee of the Arkansas Highway Police Division of the Arkansas Department
2 of Transportation for ten (10) or more years;

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

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

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

11
12 SECTION 3. Arkansas Code § 12-9-208 is amended to read as follows:

13 12-9-208. Division of State Capitol Police – Training course.

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

20
21 SECTION 4. Arkansas Code § 12-14-101 is amended to read as follows:

22 12-14-101. Establishment – Powers.

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

26 (1) Establish the Division of State Capitol Police;

27 (2) Organize the Division of State Capitol Police;

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

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

30 (b)(1) The ~~Secretary of State~~ secretary may designate and appoint one
31 (1) or more of his or her employees as State Capitol Police, who shall be
32 peace officers under the laws of the state and shall have and possess all the
33 powers provided by the law for Arkansas State Police, city police, and county
34 sheriffs to be exercised as required for the protection of the State Capitol
35 grounds, together with such other duties as may be assigned by the ~~Secretary~~
36 ~~of State~~ secretary.

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

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

9
10 SECTION 5. Arkansas Code § 12-14-102 is amended to read as follows:

11 12-14-102. Duties – Authority.

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

15 (1) Protect property;

16 (2) Preserve and maintain proper order and decorum;

17 (3) Prevent unlawful assemblies and disorderly conduct;

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

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

26 (b) The Division of State Capitol Police officers shall have and
27 exercise police supervision on behalf of the Secretary of ~~State~~ the
28 Department of Public Safety and are authorized as peace officers to arrest,
29 with or without warrant, any person upon or in the areas described in this
30 section or within the boundaries of the State of Arkansas who is or is
31 reasonably believed to be committing an offense against any laws of the State
32 of Arkansas or against the ordinances of the city where the State Capitol
33 grounds are located, and to deliver the person before any court of competent
34 jurisdiction to be dealt with according to law.

35
36 SECTION 6. Arkansas Code § 12-14-103 is amended to read as follows:

1 12-14-103. Rules.

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

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

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

16
17 SECTION 8. Arkansas Code § 12-14-106 is amended to read as follows:

18 12-14-106. Additional salary payments.

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

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

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

32 (A) General certificate – three hundred dollars (\$300)
33 annually;

34 (B) Intermediate certificate – six hundred dollars (\$600)
35 annually;

36 (C) Advanced certificate – nine hundred dollars (\$900)

1 annually; and

2 (D) Senior certificate – one thousand two hundred dollars
3 (\$1,200) annually.

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

5 (A) May be made monthly, quarterly, semiannually, or
6 annually, depending upon the availability of funding; and

7 (B) Is restricted to full-time law enforcement officers.

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

11 ~~(A) State Capitol Police Chief;~~

12 ~~(B) State Capitol Police Assistant Chief;~~

13 ~~(C) State Capitol Police sergeant; and~~

14 ~~(D) State Capitol Police corporal.~~

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

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

21
22 SECTION 9. Arkansas Code § 12-14-107 is amended to read as follows:

23 12-14-107. Assignment of officer to Senate.

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

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

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

32
33 SECTION 10. Arkansas Code § 12-14-108 is amended to read as follows:

34 12-14-108. Award of pistol upon retirement or death.

35 When a Division of State Capitol Police officer retires from service or
36 dies while still employed with the ~~State Capitol Police~~ division, in

1 recognition of and appreciation for the service of the retiring or deceased
2 officer, the Secretary of ~~State~~ the Department of Public Safety may award the
3 pistol carried by the officer at the time of his or her death or retirement
4 from service to:

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

8
9 SECTION 11. Arkansas Code § 12-14-109 is amended to read as follows:
10 12-14-109. Certain records exempt.

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

15 (1) Records or other information that upon disclosure could
16 reasonably be expected to be detrimental to the public safety, including
17 without limitation records or other information concerning emergency or
18 security plans, State Capitol Building or Capitol Hill apartment complex
19 safety plans, monitoring capabilities, procedures, risk assessments, studies,
20 measures, or systems; and

21 (2) Records or other information relating to the number of
22 licensed security officers, certified Division of State Capitol Police
23 officers, or other security personnel, as well as any personal information
24 about a security officer, certified Division of State Capitol Police officer,
25 or other security personnel.

26
27 SECTION 12. Arkansas Code, Appendix - Title 19 Bond Issues, 12., §
28 13(d)(2), concerning the Capitol Mall Facility, is amended to read as
29 follows:

30 (2) Upon completion of the construction phase of the Capitol
31 Mall Facility project, the State Building Services shall develop parking
32 regulations which will maintain equitable parking among the tenants of the
33 Capitol Mall Facility and the public, and may establish reasonable rental or
34 other charges for parking therein. The Division of State Capitol Police
35 shall provide the necessary traffic patrols and policing of the Capitol Mall
36 Facility parking areas.

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

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

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

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

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

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

(b) Each Division of State Capitol Police officer so assigned is authorized to issue, upon determining a violation, a uniform traffic citation that shall be returnable in the Pulaski County District Court.

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

1 and to make the parking rules for the State Capitol more enforceable by the
2 Division of State Capitol Police.

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

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19 /s/G. Stubblefield
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