

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 841 of the Regular Session

1 State of Arkansas *As Engrossed: H3/15/07*

2 86th General Assembly **A Bill**

3 Regular Session, 2007 HOUSE BILL 2302

Act 841

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5 By: Representative Pace

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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND § 12-12-211 TO ALLOW THE ARKANSAS CRIME INFORMATION
 10 CENTER TO GIVE INFORMATION TO A CONSTABLE WHO HAS MET CERTAIN REQUIREMENTS;
 11 TO REQUIRE A CONSTABLE TO WEAR UNIFORM CLOTHING AND IDENTIFICATION; TO REQUIRE
 12 THE ARKANSAS COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING TO
 13 DEVELOP A COURSE FOR CONSTABLES; AND FOR OTHER PURPOSES.

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18 **Subtitle**

19 TO ALLOW THE ARKANSAS CRIME INFORMATION CENTER TO GIVE INFORMATION TO A
 20 CONSTABLE; TO REQUIRE A CONSTABLE TO WEAR UNIFORM CLOTHING AND IDENTIFICATION;
 21 AND TO PROVIDE A CONSTABLE TRAINING PROGRAM.

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Original line numbering removed and additional bold/underline added at this point to make it easier to reference. For an exact copy of 2007 House Bill 2302 / Act 841, please refer to the link on the website (www.arconstable.org/legislation)

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

SECTION 1. Arkansas Code § 12-12-211 is amended to read as follows:

(a) (1) The **Arkansas Crime Information Center** shall make criminal history records on persons available in accordance with §§ 12-12-1008 – 12-12-1011.

(2) Release of other noncriminal history records shall be in accordance with policies and regulations established by the Supervisory Board of for the Arkansas Crime Information Center.

(b) (1) The Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration shall be considered a criminal justice agency solely for the purpose of securing information from the center regarding the address or whereabouts of any deserting parent from whom the Office of Child Support Enforcement is charged with collecting child support.

(2) Any information received by the Crime Victims Reparations Board through the office of the Attorney General obtained from the center pursuant to § 16-90-712 shall not be available for examination except by the affected claimant or his or her duly authorized representative.

(3)(A) It shall be unlawful for any person to disclose information obtained under this subsection except:

- (i) For the purpose of performing the duties of the:
 - (a) Office; or
 - (b) Crime Victims Reparations Board; or

(ii) Upon court order.

(B) Upon conviction, any person violating subdivision (b)(3)(A) of this section shall be guilty of a Class A misdemeanor.

(c) (1) Except as provided in subdivision (c)(2) of this section, an elected law enforcement officer of a political subdivision of this state shall not be allowed access to information from the center unless either the elected law enforcement officer or a law enforcement officer within his or her department has successfully completed the preparatory program of police training required by the Arkansas Commission on Law Enforcement Standards and Training for certification of law enforcement officers.

(2) A constable shall have access to information from the center if the Arkansas Commission on Law Enforcement Standards and Training certifies that the constable has completed the course required by § 14-14-1314.

(d) (1) The State Board of Law Examiners shall be deemed to be a regulatory agency having specific statutory access to the records of the center as provided by subsection (a) of this section.

(2) In that capacity, the State Board of Law Examiners shall require each applicant for admission to the Bar of Arkansas to be fingerprinted.

(3) The center is authorized to accept fingerprints or other information provided to it by the State Board of Law Examiners and is further authorized to release to the State Board of Law Examiners any requested information, including state, multistate, and Federal Bureau of Investigation criminal history records, as they may relate to applicants for admission to the bar.

(e) The center shall provide access to the insurance verification database which contains the information provided to the Department of Finance and Administration under § 27-22-107 to law enforcement officers during the course of traffic stops.

SECTION 2. Arkansas Code Title 14, Chapter 14, Subchapter 13 is amended to add an additional section to read as follows:

§ 14-14-1314. Constable training requirements — Uniform requirements.

(a) (1) (A) For a constable **to have access to information from the Arkansas Crime Information Center**:

(i) He or she shall satisfactorily complete the constable certification course provided by the Arkansas Commission on Law Enforcement Standards and Training.

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

(B) For a constable **to carry a firearm**:

(i) He or she shall attend sixteen (16) hours of firearms training; and

(ii) Each year after completing the training required under subdivision (1)(B)(i) of this subsection, he or she shall satisfy the firearm qualification standards for a law enforcement official.

(2) A constable holding office on the effective date of this section is exempt from the requirements of subdivision (a)(1) of this section **if** the constable has completed:

- (A) The part-time II law enforcement training or higher level training course; and
- (B) Mandatory racial profiling courses.

(b) (1) In the performance of his or her **official duties**, a **constable shall wear a uniform** consisting of:

(A) The following **shirts**:

- (i) *A long sleeve black shirt with black epaulets and black pocket flaps and a gray tie from October 1 until March 31;*
- (ii) *A short sleeve black shirt with black epaulets and black pocket flaps from April 1 until September 30; or*
- (iii) *A white shirt on formal occasions at any time;*

(B) (i) A **constable identification patch** on the left shoulder of the shirt and an **American flag** on the right shoulder.

- (ii) *The top of each patch shall be one inch (1") down from the shoulder seam of the shirt;*

(C) A **name tag** above the right pocket flap of the shirt;

(D) A **six-point star**, containing the words "**Arkansas Constable**" shall be on the left side of the shirt;

(E) The following **pants**:

- (i) *Tan pants; or*
- (ii) *Blue or black pants on formal occasions; and*

(F) A **gray hat with a six-point star** on the front containing the words "Arkansas Constable".

(2) If a constable is **engaged in search or rescue activities**, he or she shall wear a uniform consisting of:

(A) *A black shirt;*

(B) *Black pants; and*

(C) *A black cap with a six-point star with the words "Arkansas Constable".*

(c) In the performance of his or her official duties, a constable *shall drive a motor vehicle that is:*

(1) Fully equipped with emergency equipment; and

(2) Clearly marked with a six-point star and the words "Arkansas Constable".

SECTION 3. Arkansas Code Title 12, Chapter 9, Subchapter 1 is amended to add an additional section to read as follows:

12-9-115. **Training for constables.**

After consultation with the Arkansas Constables Association, the Arkansas Commission on Law Enforcement Standards and Training shall develop a training course of one hundred twenty (120) hours to one hundred sixty (160) hours for *certifying* new constables.

/s/ Pace

APPROVED: 4/3/2007