



**TIM GRIFFIN**  
ATTORNEY GENERAL

Opinion No. 2025-074

November 13, 2025

The Honorable Jason Nazarenko  
State Representative  
Post Office Box 192  
Cotter, Arkansas 72626

Dear Representative Nazarenko:

You have requested my opinion regarding the “authority of federal law enforcement in our State.” You have asked these questions:<sup>1</sup>

1. Under the Arkansas Constitution, can the General Assembly grant permission to a federal law enforcement agency to enforce Arkansas state law?

**Brief response:** Yes. The Arkansas Constitution does not prohibit the General Assembly from granting federal law enforcement officers authority to enforce state law. And it granted that power in A.C.A. § 16-81-106(g)(1), allowing specific “persons employed as full-time law enforcement officers” by designated federal law enforcement agencies to “be empowered to act as officers for the arrest of offenders against the laws of this state ... to the same extent and under the same circumstances as certified state law enforcement officers.”

2. Under Arkansas law, can a political subdivision grant permission to a federal law enforcement agency to enforce Arkansas state law?

**Brief response:** Yes, if the General Assembly has delegated law enforcement authority to the political subdivision.

3. Can federal law enforcement agency personnel enforce Arkansas state law if they are outside their jurisdiction?

---

<sup>1</sup> You submitted the first three questions in your original opinion request. Later, you submitted the fourth question as a “revised request.” I have paraphrased your questions for clarity.

BOB R. BROOKS JR. JUSTICE BUILDING  
101 WEST CAPITOL AVENUE  
LITTLE ROCK, ARKANSAS 72201

**Brief response:** Yes. The federal law enforcement officers listed in A.C.A. § 16-18-106(g)(1) can enforce state law outside their jurisdiction in the four situations discussed in the opinion below.

4. Does Arkansas state law apply on federal public lands so that federal law enforcement agency personnel can enforce Arkansas state law there?

**Brief response:** Probably yes. The United States Supreme Court has explained that states can “enforce [their] criminal and civil laws on federal land so long as those laws do not conflict with federal law.” But without knowing the state law at issue, I cannot definitively say whether it is compatible with federal law and thus may be enforced on federal public lands.

## DISCUSSION

### *Question 1: Under the Arkansas Constitution, can the General Assembly grant permission to a federal law enforcement agency to enforce Arkansas state law?*

Yes. The Arkansas “constitution is restrictive in nature and leaves to the legislature the absolute power to legislate unless prohibited from doing so by our constitution.”<sup>2</sup> Because the Arkansas Constitution is “a limitation of power” instead of a grant of authority, “any doubt as to the constitutionality of a legislative act must be resolved in favor of its validity.”<sup>3</sup> Here, the Arkansas Constitution is silent regarding enforcement of Arkansas state law by federal law enforcement agency personnel, so it is not “clearly prohibited by the constitution.”<sup>4</sup> Because there is no prohibition, the General Assembly has authority under the Arkansas Constitution to grant federal law enforcement to enforce state law.

It granted that authority under A.C.A. § 16-81-106(g)(1), which authorizes specific “persons employed as full-time law enforcement officers” by designated federal law enforcement agencies to “act as officers for the arrest of offenders against the laws of this state ... to the same extent and under the same circumstances as certified state law enforcement officers.”<sup>5</sup>

---

<sup>2</sup> *Black v. Cockrill*, 239 Ark. 367, 369, 389 S.W.2d 881, 883 (1965).

<sup>3</sup> *Id.* at 369–70, 389 S.W.2d at 883 (“The constitution not being a grant but a limitation of power, the court should, in all cases, uphold a statute unless there is an express or necessarily implied limitation of the legislative power by the constitution” (internal quotations and citations omitted)).

<sup>4</sup> *Id.* at 370, 389 S.W.2d at 883 (“[The act] will be upheld unless it is clearly prohibited by the constitution, and where it is doubtful whether an act comes within the inhibition of the constitution, the doubt must be resolved in favor of the constitutionality of the act.” (internal quotations and citations omitted)).

<sup>5</sup> The list includes (1) special agents of the Federal Bureau of Investigation, the United States Secret Service, the United States Drug Enforcement Administration, the United States General Services Administration, the United States Department of Agriculture, the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the United

***Question 2: Under Arkansas law, can a political subdivision grant permission to a federal law enforcement agency to enforce Arkansas state law?***

Yes, if the General Assembly has delegated law enforcement authority to the political subdivision.

The Arkansas Supreme Court has held that a political subdivision (1) covers a certain area and residents, (2) is organized for the public interest, (3) is chiefly designed to exercise governmental functions, and (4) has electors residing within its area that are committed, to some extent, to the political subdivision exercising governmental power on behalf of the public.<sup>6</sup> Similarly, numerous statutes define local government units as political subdivisions.<sup>7</sup> Under A.C.A. § 12-9-102(3), “any ... other specific local unit of general government” is a political subdivision. Likewise, under A.C.A. § 15-6-103(5), “any other unit of local government, including a school district and an improvement district, authorized by law to perform governmental functions” is a political subdivision.

Because cities, counties, and other political subdivisions “are creatures of the legislature,” they only have those powers delegated to them by the General Assembly.<sup>8</sup> The General Assembly has delegated law enforcement authority to many political subdivisions, such as counties, cities, and

---

States Treasury Inspector General for Tax Administration; (2) special agents, investigators, and patrol officers of the United States Citizenship and Immigration Services and the United States Customs and Border Protection; (3) deputies of the United States Marshals Service; (4) postal inspectors and special agents of the United States Postal Service; (5) special agents and inspectors of the Internal Revenue Service; (6) certified law enforcement officers of the United States Department of the Interior, National Park Service, the United States Fish and Wildlife Service, and the United States Forest Service; and (7) members of multi-jurisdictional drug task forces.

<sup>6</sup> *Dermott Special Sch. Dist. v. Johnson*, 343 Ark. 90, 95, 32 S.W.3d 477, 480 (2000).

<sup>7</sup> See, e.g., A.C.A. §§ 2-18-112(a)(2) (defining “political subdivision” as “a local governmental entity, including without limitation a city, county, township, or municipal corporation and any other body corporate and politic that is responsible for government activities in a geographical area smaller than that of the state”); 10-4-402(a)(5) (defining “political subdivision” as “any county, municipality, school, quasi-public organization, district, official, office, or employee, or any agency, instrumentality, or function thereof”); 12-9-102(4) (defining “political subdivision” as “any county, municipality, township, or other specific local unit of general government”); 12-9-401(6) (defining “political subdivision” as “any county, municipality, township, or other specific local unit of general government”); 12-50-103(8) (defining “political subdivision” as “a city of any class, a town, or a county”); 14-77-102(4) (defining “political subdivision” as “any county, municipality, or school district of the State of Arkansas”); 15-5-103(19) (defining “political subdivision” as “a city of the first class, a city of the second class, an incorporated town, a county, or an improvement district, or any agency, board, commission, public corporation, or instrumentality of the above”); 15-6-103(5) (defining “political subdivision” as “a county, municipality, and any other unit of local government, including a school district and an improvement district, authorized by law to perform governmental functions”); 21-1-303(4) (defining “political subdivision” as “counties, cities, towns, villages, townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law”).

<sup>8</sup> See *Phillips v. Town of Oak Grove*, 333 Ark. 183, 189, 968 S.W.2d 600, 603 (1998) (referring to cities); see also A.C.A. §§ 14-14-501 (“A county government is a body politic and corporate created by the General Assembly and subject to its exercise of power.”); 14-43-502(a) (“The city council shall possess all the legislative powers granted by this subchapter and other corporate powers of the city not prohibited in it ....”).

school districts.<sup>9</sup> But other political subdivisions, like used tire programs<sup>10</sup> and improvement districts,<sup>11</sup> do not have that authority. Therefore, a political subdivision may authorize a federal law enforcement agency to enforce state law only if the General Assembly has first delegated law enforcement authority to the political subdivision.

***Question 3: Can federal law enforcement agency personnel enforce Arkansas state law if they are outside their jurisdiction?***

Yes, under Arkansas law. The federal law enforcement officers listed in A.C.A. § 16-81-106(g)(1) are “empowered to act as officers for the arrest of offenders against the laws of this state ... to the same extent and under the same circumstances as certified state law enforcement officers.” And “certified state law enforcement officers” may enforce Arkansas state law outside their jurisdictions in the following four situations:

1. instances of “fresh pursuit”;<sup>12</sup>
2. “when the officer has a warrant for arrest”;<sup>13</sup>
3. “when a local law enforcement agency requests an outside officer to come into the local jurisdiction, and the outside officer is from an agency that has a written policy regulating its officers when they act outside their jurisdiction”;<sup>14</sup> or

---

<sup>9</sup> A.C.A. §§ 6-13-1703 (a school district “may designate and appoint at least one (1) of [its] employees ... as an institutional law enforcement officer” who has “all powers provided by law to law enforcement officers”); 14-14-801(b)(3) (county legislative authority includes the power to “[p]reserve peace and order and secure freedom from dangerous or noxious activities [even though the county cannot declare an act a felony]”); 14-52-101(a) (“The governing body of a city of the first class shall establish a city police department ... [to] preserve the peace of the city, secure the citizens from personal violence, and safeguard their property”); 14-52-102 (“The governing body of a city of the second class or incorporated town may establish a police department ... [to] preserve the peace of the city of the second class or incorporated town, secure the citizens from personal violence, and safeguard their property.”).

<sup>10</sup> See A.C.A. § 8-9-410; Ark. Att’y Gen. Op. 2023-095 (opining that used tire programs are political subdivisions).

<sup>11</sup> See A.C.A. §§ 14-86-101 through 14-87-110; Ark. Att’y Gen. Op. 2007-014 (opining that improvement districts are political subdivisions).

<sup>12</sup> A.C.A. § 16-81-301 (“Any law enforcement officer of this state in fresh pursuit of a person who is reasonably believed to have committed a felony in this state or has committed or attempted to commit any criminal offense in this state in the presence of the officer, or for whom the officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state”).

<sup>13</sup> *Pickering v. State*, 2012 Ark. 280, 5, 412 S.W.3d 143, 145; A.C.A. § 16-81-105 (“Any law enforcement officer to whom any criminal summons or warrant of arrest is directed may serve or execute it in any county in the state”).

<sup>14</sup> *Pickering*, 2012 Ark. at 5, 412 S.W.3d at 145; A.C.A. § 16-81-106(c)(3)–(4).

4. “when a county sheriff requests that a peace officer from a contiguous county come into that sheriff’s county and investigate and make arrests for violations of drug laws.”<sup>15</sup>

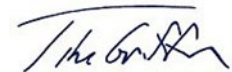
Thus, Arkansas law allows the federal law enforcement officers listed in A.C.A. § 16-81-106(g)(1) to enforce state law outside their jurisdiction in these four situations. But to the extent you request an opinion regarding whether some federal law prohibits federal officers from taking advantage of the authority in A.C.A. § 16-81-106(g)(1), I do not opine because that would be purely a question of federal law, which does not alter the above analysis of state law.<sup>16</sup>

***Question 4: Does Arkansas state law apply on federal public lands so that federal law enforcement agency personnel can enforce Arkansas state law there?***

Probably yes. The United States Supreme Court has explained that states can “enforce [their] criminal and civil laws on federal land so long as those laws do not conflict with federal law.”<sup>17</sup> But without knowing the state law at issue, I cannot definitively say whether it is compatible with federal law and thus may be enforced on federal public lands.

Assistant Attorney General Jodie Keener prepared this opinion, which I hereby approve.

Sincerely,



TIM GRIFFIN  
Attorney General

---

<sup>15</sup> *Pickering*, 2012 Ark. at 5, 412 S.W.3d at 145; A.C.A. § 5-64-705.

<sup>16</sup> See A.C.A. § 25-16-706 (granting authority to issue opinions related to certain “official action[s]” and “duties,” which arise from state law; “proposed bills” in the General Assembly; and certain “laws of the state”); Ark. Att’y Gen. Op. 2025-010.

<sup>17</sup> *Cal. Coastal Comm’n v. Granite Rock Co.*, 480 U.S. 572, 580 (1987) (“Absent consent or cession a State undoubtedly retains jurisdiction over federal lands within its territory”) (internal quotations and citations omitted).