

Act 345 of the 1989 Regular Session.

Act 345

HB1204

By: Representative Foster

"AN ACT TO AMEND ARKANSAS CODE 21-5-705 TO INCREASE THE DEATH BENEFITS PAID TO THE SPOUSE OR SURVIVING CHILDREN OF LAW ENFORCEMENT OFFICERS WHO ARE WEARING BULLET PROOF VESTS AND WHO ARE KILLED IN THE LINE OF DUTY AS THE RESULT OF A FELONIOUS CRIMINAL ACT OF ANOTHER PERSON; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 21-5-705 is hereby amended to read as follows:

"21-5-705. Payment of claim to survivors of certain officers killed on duty - Funds.

(a) The state shall pay to the spouse or surviving children of any police officer, wildlife enforcement officer of the Arkansas Game and Fish Commission, commissioned law enforcement officer or emergency response employee of the State Parks Division of the Department of Parks and Tourism, or employee of the Department of Correction whose death occurred in the official line of duty and was the result of a felonious criminal action of another person or persons or whose death occurred in the line of duty while the officer or employee was performing emergency medical activities and to the spouse or surviving children of any fire fighter killed while actively participating in fighting a fire of any type or whose death occurred in the line of duty while the fire fighter was performing emergency medical activities, the additional sum of seventy-five thousand dollars (\$75,000), provided the death occurs after July 1, 1987.

(b) In addition to the benefits provided for in subsection (a) of this section, the state shall pay to the spouse or surviving children of any police officer, wildlife enforcement officer of the Arkansas Game and Fish Commission, commissioned law enforcement officer of the State Parks Division of the Department of Parks and Tourism, or employee of the Department of Correction who was wearing a bullet proof vest approved by the Director of the Arkansas State Police and whose death occurred in the official line of duty and was the result of a felonious criminal action of another person or persons, the additional sum of twenty-five thousand dollars (\$25,000) provided the death occurs after July 1, 1989.

(c) The benefits shall be paid totally from state funds appropriated therefor. The funds shall not be reimbursed by a transfer or charging the funds against any state funds allocated for turnback to cities or counties or distributed to any other state department agency fund account other than the State Claims Commission Fund accounts and the Miscellaneous Revolving Fund Account.

(d) The additional benefits provided in this section shall be paid to the spouse or surviving children in three (3) equal annual payments, the first of which shall be paid one (1) year from the date of the original order of the State Claims Commission establishing entitlement to additional payments and annually thereafter.

(e) Determination for eligibility for the additional payments provided in this section shall be made by the State Claims Commission in accordance with commission rules and procedures."

SECTION 2. Arkansas Code 21-5-704 is hereby amended to read as follows:

"1-5-704. Payment of claim to certain injured workers or their survivors - Funds.

(a) (1) (A) The state shall pay to the spouse or surviving children of any police officer, fire fighter, employee of the Arkansas State Highway and Transportation Department, employee of the Department of Correction, emergency services worker, employee of the Arkansas Forestry Commission, commissioned law enforcement personnel or emergency response personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, or emergency medical technician, as defined in

21-5-701, who is killed in the official line of duty, the sum of twenty-five thousand dollars (\$25,000).

(B) In addition thereto, the municipality which employed the police officer or fire fighter shall, upon certification of the amount by the police or fire department, pay to the spouse or surviving children of the deceased police officer or fire fighter an allowance for all sick leave, vacation, or other leave time accumulated to the credit of the police officer or fire fighter at the time of his death.

(2) In the event any police officer, fire fighter, employee of the Arkansas State Highway and Transportation Department, employee of the Department of Correction, emergency services worker, employee of the Arkansas Forestry Commission, commissioned law enforcement personnel or emergency response personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, or emergency medical technician, as defined in 21-5-701, shall suffer any injury while engaged in the performance of official duties resulting in his total and permanent disability, the disabled police officer, fire fighter, employee of the Arkansas State Highway and Transportation Department, employee of the Department of Correction, emergency services worker, or employee of the Arkansas Forestry Commission, commissioned law enforcement personnel or emergency response personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, or emergency medical technician shall be entitled to the sum of ten thousand dollars (\$10,000) from the State of Arkansas upon establishing proof of the total and permanent disability.

(b) All allowances as provided for in this section for the spouse or surviving children of police officers, fire fighters, employees of the State Highway and Transportation Department, employees of the Department of Correction, emergency services worker, employees of the Arkansas Forestry Commission, commissioned law enforcement personnel or emergency response personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, and emergency medical technician killed while performing official duties, or allowances provided police officers, fire fighters, employees of the State

Highway and Transportation Department, employees of the Arkansas Department of Correction, emergency services worker, employees of the Arkansas Forestry Commission, commissioned law enforcement personnel or emergency response personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, and emergency medical technician who are totally and permanently disabled while performing official duties, shall be paid totally from state funds appropriated therefor and the funds shall not be reimbursed by transfer or charging the funds against any state funds allocated for turnback to cities or counties or distributed to the State Highway Department Fund or distributed to any Arkansas Department of Correction Fund account or any other state department agency fund account other than the State Claims Commission fund accounts and the miscellaneous revolving fund account, or state funds levied for fire fighters, police officers, employees of the Arkansas State Highway and Transportation Department, and employees of the Department of Correction pension purposes.

(c) It is the intent of this subchapter that the total obligation of providing the benefits provided by this subchapter, even though the funds are to be administered by the State Claims Commission, are to be defrayed from state funds and are not to be charged against, or recovered against, any turnback moneys due the cities or counties of this state or allocated to the state highway system of this state or to the Arkansas Department of Correction or any other state department agency fund account other than the State Claims Commission Fund accounts and the Miscellaneous Revolving Fund Account."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby amended.

APPROVED: March 6, 1989
