

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator C. Bell**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §21-5-705 TO
9 PROVIDE PAYMENT OF DEATH BENEFIT TO SURVIVORS OF FIRE
10 FIGHTERS KILLED IN THE OFFICIAL PERFORMANCE OF HIS DUTIES;
11 AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 SECTION 1. Arkansas Code Annotated §21-5-705 is amended to read as
16 follows:

17 "21-5-705. Payment of claim to survivors of certain officers killed on
18 duty - Funds.

19 (a) The state shall pay to the surviving spouse, surviving children, or
20 surviving parents of any police officer, wildlife enforcement officer of the
21 Arkansas Game and Fish Commission, commissioned law enforcement officer or
22 emergency response employee of the State Parks Division of the Department of
23 Parks and Tourism, or employee of the Department of Correction whose death
24 occurred in the official line of duty and was the result of a felonious
25 criminal action of another person or persons or whose death occurred in the
26 line of duty while the officer or employee was performing emergency medical
27 activities and to the surviving spouse, surviving children or surviving
28 parents of any fire fighter killed while in the official performance of his
29 duties or whose death occurred in the line of duty while the fire fighter was
30 performing emergency medical activities, the additional sum of seventy-five
31 thousand dollars (\$75,000), provided the death occurs after July 1, 1987.

32 (b) In addition to the benefits provided for in subsection (a) of this
33 section, the state shall pay to the spouse or surviving children of any police
34 officer, wildlife enforcement officer of the Arkansas Game and Fish
35 Commission, commissioned law enforcement officer of the State Parks Division

1 of the Department of Parks and Tourism, or employee of the Department of
2 Correction who was wearing a bullet proof vest approved by the Director of the
3 Arkansas State Police and whose death occurred in the official line of duty
4 and was the result of a felonious criminal action of another person or
5 persons, the additional sum of twenty-five thousand dollars (\$25,000) provided
6 the death occurs after July 1, 1989.

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

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

18 (e) Determination for eligibility for the additional payments provided
19 in this section shall be made by the State Claims Commission in accordance
20 with commission rules and procedures."
21

22 SECTION 2. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.
25

26 SECTION 3. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.
31

32 SECTION 4. All laws and parts of laws in conflict with this act are
33 hereby repealed.