

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1432

5 By: Representative Wing
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For An Act To Be Entitled

8 AN ACT CONCERNING THE TRANSPORTATION OF MALTREATED
9 ADULTS; TO DEFINE "IMPAIRMENT" UNDER THE ADULT
10 MALTREATMENT CUSTODY ACT AND THE ADULT AND LONG-TERM
11 CARE FACILITY RESIDENT MALTREATMENT ACT; AND FOR
12 OTHER PURPOSES.
13
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Subtitle

15 CONCERNING THE TRANSPORTATION OF
16 MALTREATED ADULTS; AND TO DEFINE
17 "IMPAIRMENT" UNDER THE ADULT MALTREATMENT
18 CUSTODY ACT AND THE ADULT AND LONG-TERM
19 CARE FACILITY RESIDENT MALTREATMENT ACT.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 9-20-103, concerning the definitions of
26 terms used under the Adult Maltreatment Custody Act, is amended to add an
27 additional subdivision to read as follows:

28 (25) "Impairment" means a disability that grossly and
29 chronically diminishes a person's physical or mental ability to live
30 independently or provide self-care as determined through observation,
31 diagnosis, evaluation, or assessment.
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33 SECTION 2. Arkansas Code § 9-20-116(a), concerning probable cause
34 hearings held after the issuance of an emergency order, is amended to add an
35 additional subdivision to read as follows:

36 (3)(A) The Department of Human Services may consent, over the



1 objection of the maltreated adult, to a law enforcement officer or ambulance
2 transporting the maltreated adult to the probable cause hearing required
3 under subdivision (a)(1) of this section if medically appropriate.

4 (B) A court order is not required before a law enforcement
5 officer or ambulance may transport a maltreated adult in accordance with
6 subdivision (a)(3)(A) of this section.

7 (C) An ambulance driver, a company, or a law enforcement
8 officer is immune from criminal and civil liability for injury, death, or
9 loss allegedly arising from good faith action taken in accordance with
10 subdivisions (a)(3)(A) and (B) of this section.

11 (D) There is a presumption of good faith on the part of an
12 ambulance driver, a company, or a law enforcement officer that acts in
13 accordance with subdivisions (a)(3)(A) and (B) of this section.

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15 SECTION 3. Arkansas Code § 9-20-117(b), concerning long-term custody
16 and court-ordered protective service hearings, is amended to read as follows:

17 (b)(1) The court may hold a hearing for long-term custody or
18 protective services anywhere in the judicial district.

19 (2)(A) The Department of Human Services may consent, over the
20 objection of the maltreated adult, to a law enforcement officer or ambulance
21 transporting the maltreated adult to a hearing required under subsection (a)
22 of this section if medically appropriate.

23 (B) A court order is not required before a law enforcement
24 officer or an ambulance may transport a maltreated adult in accordance with
25 subdivision (b)(2)(A) of this section.

26 (C) An ambulance driver, a company, or a law enforcement
27 officer is immune from criminal and civil liability for injury, death, or
28 loss allegedly arising from good faith action taken in accordance with
29 subdivisions (b)(2)(A) and (B) of this section.

30 (D) There is a presumption of good faith on the part of an
31 ambulance driver, a company, or a law enforcement officer that acts in
32 accordance with subdivisions (b)(2)(A) and (B) of this section.

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34 SECTION 4. Arkansas Code § 12-12-1703, concerning the definitions of
35 terms used under the Adult and Long-Term Care Facility Resident Maltreatment
36 Act, is amended to add an additional subdivision to read as follows:

1 (22) "Impairment" means a disability that grossly and
2 chronically diminishes a person's physical or mental ability to live
3 independently or provide self-care as determined through observation,
4 diagnosis, evaluation, or assessment.

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