

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/26/03

A Bill

Act 1366 of 2003
SENATE BILL 873

5 By: Senator Salmon
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE SECURITY OF THE PLANS
10 OF EMERGENCY SERVICE AGENCIES TO PREVENT,
11 INVESTIGATE, OR RESPOND TO INCIDENTS OF TERRORISM
12 AND MASS DESTRUCTION; AND TO PROVIDE FOR THE
13 SECURITY OF INVESTIGATIVE FILES AND DOCUMENTS;
14 AND FOR OTHER PURPOSES.
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Subtitle

16 THE HOMELAND SECURITY INFORMATION ACT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Findings.

22 The Arkansas General Assembly finds that:
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24 (1) The threat of terrorism and the use of weapons of mass
25 destruction has become a reality in the United States and the State of
26 Arkansas, the emergency service agencies of state and local government have
27 had to assume the new and serious responsibilities of protecting the
28 citizenry from these threats from both domestic and international sources;

29 (2) It is incumbent upon emergency service agencies of this
30 state to assess vulnerabilities, make plans, and develop operational
31 procedures to prevent, investigate, and respond to these threats; and

32 (3) It is of the utmost importance that those who may engage in
33 acts of terrorism or employ weapons of mass destruction against the people
34 and property of this state not have access to the information designed to
35 prevent and defeat them.
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1 SECTION 2. Definitions.

2 As used in this act:

3 (1) "Catastrophe" means a man-made event that causes disastrous
4 property damage, death, or serious physical injury to multiple people by
5 explosion, fire, flood, avalanche, collapse of building, distribution of
6 poison, radioactive material, bacteria, virus, or other dangerous and
7 difficult to confine force or substance; and

8 (2) "Emergency service agency" means an agency or department of
9 any county or city that has first responder or investigative responsibilities
10 in the event of a catastrophe or use of a weapon of mass destruction; and

11 (3) "Weapon of mass destruction" means an explosive, chemical,
12 radioactive, or biological agent, or any other substance or device capable of
13 causing extensive property damage, death, or serious physical injury to
14 multiple persons in a single act or series of acts;.

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16 SECTION 3. Threat assessments and plans.

17 (a)(1) The threat assessments, plans, operational policies or
18 procedures, and training developed or maintained by any emergency service
19 agency for the purpose of preventing, investigating, or responding to a
20 catastrophe or use of weapons of mass destruction are not subject to public
21 disclosure as public records except if the disclosure is determined in the
22 best public interest by the head of the emergency service agency.

23 (2) Any document or information received by an emergency service
24 agency from an agency of the United States government, another state, or its
25 political subdivisions that is not subject to disclosure under the laws
26 governing the source agency is not subject to public disclosure as a public
27 record from the Arkansas agency.

28 (3) Investigative files of emergency service agencies relating
29 to a catastrophe or use of a weapon of mass destruction are not subject to
30 public disclosure until after final adjudication.

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32 SECTION 4. Sunset Clause.

33 This act expires on July 1, 2005.

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35 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly of the State of Arkansas that this act should go into effect

1 as soon as possible for the safety and protection of the citizens of Arkansas
2 and that this act is immediately necessary because of the threat to the
3 security of emergency service agency plans and threat assessments.
4 Therefore, an emergency is declared to exist and this act being immediately
5 necessary for the preservation of the public peace, health, and safety shall
6 become effective on:

7 (1) The date of its approval by the Governor;

8 (2) If the bill is neither approved nor vetoed by the Governor, the
9 expiration of the period of time during which the Governor may veto the bill;
10 or

11 (3) If the bill is vetoed by the Governor and the veto is overridden,
12 the date the last house overrides the veto.

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14 /s/ Salmon

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17 *APPROVED: BECAME LAW ON 4/15/2003, WITHOUT THE GOVERNOR'S SIGNATURE.*
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