

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.

Act 806 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/2/07

A Bill

HOUSE BILL 1409

5 By: Representative Reep
6 By: Senator Broadway
7

For An Act To Be Entitled

10 AN ACT TO PROVIDE ADDITIONAL DEATH BENEFITS FOR
11 EMERGENCY MEDICAL TECHNICIANS UNDER CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO PROVIDE ADDITIONAL DEATH BENEFITS FOR
15 EMERGENCY MEDICAL TECHNICIANS UNDER
16 CERTAIN CIRCUMSTANCES.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. Arkansas Code § 21-5-705(a), concerning additional death*
23 *benefits to law enforcement and emergency response personnel, is amended to*
24 *read as follows:*

25 *(a) The state shall pay the additional sum of seventy-five thousand*
26 *dollars (\$75,000) to the surviving spouse or surviving children under the age*
27 *of twenty-two (22) of any:*

28 *(1) Police officer, wildlife enforcement officer of the Arkansas*
29 *State Game and Fish Commission, commissioned law enforcement officer or*
30 *emergency response employee of the State Parks Division of the Department of*
31 *Parks and Tourism, Department of Community Correction employee, or employee*
32 *of the Department of Correction whose death occurred:*

33 *(A) After January 1, 2003; and*

34 *(B) Either:*

35 *(i) In the official line of duty as the result of a*



1 criminal or negligent action of another person or persons or as the result of
2 the engagement in exceptionally hazardous duty; or

3 (ii) In the line of duty while the officer or
4 employee was performing emergency medical activities; and

5 (2) Firefighter, emergency medical technician, or employee of
6 the Arkansas State Forestry Commission killed after July 1, 1987, while
7 responding to, engaging in, or returning from a fire, a rescue incident, a
8 hazardous material or bomb incident, an emergency medical activity, or
9 simulated training thereof.

10
11 SECTION 2. Arkansas Code § 6-82-501 is amended to read as follows:
12 6-82-501. Definitions.

13 As used in this subchapter:

14 (1) "Child" or "children" means any natural child, adopted
15 child, or stepchild who is eligible under § 6-82-504;

16 (2) "Department of Community Correction employee" means any
17 employee of the Department of Community Correction who suffers fatal injuries
18 or wounds or becomes permanently and totally disabled as a result of injuries
19 or wounds which occurred through contact with parolees, probationers, or
20 center residents;

21 (3) "Emergency medical technician" means emergency medical
22 technician as defined in § 20-13-202;

23 ~~(3)(4)~~ "Fire fighter" means any fire fighter employed on a full-
24 time or volunteer duty status while actually engaged in the performance of
25 his or her duties;

26 ~~(4)(5)~~ "Law enforcement officer" means a:

27 (A) Constable, which includes all duly elected constables
28 of any beat of any county within the state while actually engaged in the
29 performance of their duties concerning the criminal laws of the county and
30 state;

31 (B) Game warden, which includes all appointed game wardens
32 employed by the State of Arkansas on a full-time duty status while actually
33 engaged in their duties concerning the game laws of this state;

34 (C) Municipal and college or university police officer,
35 which includes all law enforcement officers of any municipality, college, or
36 university who are regular duty personnel on full-time status and does not

1 include auxiliary officers or those serving on a temporary or part-time
2 status;

3 (D) Sheriff or deputy sheriff, which includes all law
4 enforcement officers of full-time status on a regular basis serving the
5 sheriff's department of any county but does not include deputy sheriffs who
6 are engaged in administrative or civil duty or deputy sheriffs serving in a
7 temporary capacity or part-time basis; and

8 (E) State highway patrolman, which includes any law
9 enforcement officer, regardless of department or bureau, of the Department of
10 Arkansas State Police;

11 ~~(5)~~(6) "State correction employee" means any employee of the
12 Department of Correction or the Corrections School System who becomes subject
13 to injury through contact with inmates or parolees of the department;

14 ~~(6)~~(7) "State forestry employee" means an employee of the
15 Arkansas Forestry Commission who is actively engaged in his or her duties of
16 fighting forest fires;

17 ~~(7)~~(8) "State highway employee" means any employee of the
18 Arkansas State Highway and Transportation Department who actively engages in
19 highway maintenance, construction, or traffic operations on the roadways and
20 bridges of the state highway system while the roadways and bridges are open
21 for use by the traveling public;

22 ~~(8)~~(9) "State parks employee" means any employee of the State
23 Parks Division of the Department of Parks and Tourism who is a commissioned
24 law enforcement officer or emergency response employee while actively engaged
25 in the performance of his or her duties; and

26 ~~(9)~~(10) "Teacher" means any person employed by a public school
27 for the purpose of giving instruction and whose employment requires state
28 certification.

29

30 SECTION 3. Arkansas Code § 6-82-503 is amended to read as follows:
31 6-82-503. Entitlement.

32 (a) If any Arkansas law enforcement officer, full-time or volunteer
33 fire fighter, emergency medical technician, state highway employee, state
34 correction employee, Department of Community Correction employee, state parks
35 employee, teacher, or state forestry employee suffers fatal injuries or
36 wounds or becomes permanently and totally disabled as a result of injuries or

1 wounds which occurred in the performance of a hazardous duty within the scope
2 of his employment or which occurred en route to a location where a hazardous
3 situation existed, his or her children and spouse shall be entitled to a
4 total of eight (8) semesters, or the equivalent thereof, of scholarship
5 awards without cost, exclusive of books, food, school supplies, materials,
6 and dues or fees for extracurricular activities, at any state-supported
7 college, university, or technical institute of his or her choice within this
8 state. Up to four (4) semesters, or the equivalent thereof, may be taken at a
9 technical institute.

10 (b) Scholarship benefits shall not accrue under this subchapter to any
11 person if the wounds or injuries suffered by any law enforcement officer,
12 firefighter, emergency medical technician, state highway employee, state
13 correction employee, Department of Community Correction employee, state parks
14 employee, teacher, or state forestry employee are self-inflicted or if the
15 death is self-induced.

16 (c) Unless § 6-82-504(e) is applicable, the Arkansas State Claims
17 Commission shall award any scholarship benefit provided by this subchapter at
18 the same time that any death benefit or total and permanent disability
19 benefit is awarded by the commission under the provisions of § 21-5-701 et
20 seq.

21
22 SECTION 4. Arkansas Code § 6-82-504 is amended to read as follows:
23 6-82-504. Awards to children.

24 (a) In order for a natural child to be eligible to receive a
25 scholarship benefit:

26 (1) The child must have been born prior to the date of the death
27 or total and permanent disability of the law enforcement officer,
28 firefighter, emergency medical technician, state highway employee, state
29 correction employee, Department of Community Correction employee, state parks
30 employee, teacher, or state forestry employee; or

31 (2) The law enforcement officer, firefighter, emergency medical
32 technician, state highway employee, state correction employee, Department of
33 Community Correction employee, state parks employee, teacher, or state
34 forestry employee or the spouse of the law enforcement officer, firefighter,
35 emergency medical technician, state highway employee, state correction
36 employee, Department of Community Correction employee, state parks employee,

1 teacher, or state forestry employee must have been pregnant with the child at
2 the time of the death or total and permanent disability of the law
3 enforcement officer, firefighter, emergency medical technician, state highway
4 employee, state correction employee, Department of Community Correction
5 employee, state parks employee, teacher, or state forestry employee.

6 (b) In order for an adopted child to be eligible to receive a
7 scholarship benefit:

8 (1) The child must have been adopted prior to the date of the
9 death or total and permanent disability of the law enforcement officer,
10 firefighter, emergency medical technician, state highway employee, state
11 correction employee, Department of Community Correction employee, state parks
12 employee, teacher, or state forestry employee; or

13 (2) The child's adoption process must have begun prior to the
14 date of the death or total and permanent disability of the law enforcement
15 officer, firefighter, emergency medical technician, state highway employee,
16 state correction employee, Department of Community Correction employee, state
17 parks employee, teacher, or state forestry employee.

18 (c) In order for a stepchild under the age of nineteen (19) to be
19 eligible to receive a scholarship benefit:

20 (1) The stepchild must have been listed as a dependent on the
21 federal and state income tax returns of the law enforcement officer,
22 firefighter, emergency medical technician, state highway employee, state
23 correction employee, Department of Community Correction employee, state parks
24 employee, teacher, or state forestry employee in each of the five (5) income
25 years immediately prior to the date of the death or total and permanent
26 disability of the law enforcement officer, firefighter, emergency medical
27 technician, state highway employee, state correction employee, Department of
28 Community Correction employee, state parks employee, teacher, or state
29 forestry employee; and

30 (2) The stepchild must have received more than one-half (1/2) of
31 his or her financial support from the law enforcement officer, firefighter,
32 emergency medical technician, state highway employee, state correction
33 employee, Department of Community Correction employee, state parks employee,
34 teacher, or state forestry employee in each of the five (5) income years
35 immediately prior to the date of the death or total and permanent disability
36 of the law enforcement officer, firefighter, emergency medical technician,

1 state highway employee, state correction employee, Department of Community
2 Correction employee, state parks employee, teacher, or state forestry
3 employee.

4 (d) In order for a stepchild nineteen (19) years of age or older to be
5 eligible to receive a scholarship benefit:

6 (1) The stepchild must have been listed as a dependent on the
7 federal and state income tax returns of the law enforcement officer,
8 firefighter, emergency medical technician, state highway employee, state
9 correction employee, Department of Community Correction employee, state parks
10 employee, teacher, or state forestry employee in each of five (5) income
11 years during the eight (8) years immediately prior to the date of the death
12 or total and permanent disability of the law enforcement officer,
13 firefighter, emergency medical technician, state highway employee, state
14 correction employee, Department of Community Correction employee, teacher,
15 state parks employee, or state forestry employee; and

16 (2) The stepchild must have received more than one-half (1/2) of
17 his or her financial support from the law enforcement officer, firefighter,
18 emergency medical technician, state highway employee, state correction
19 employee, Department of Community Correction employee, state parks employee,
20 teacher, or state forestry employee in each of five (5) income years during
21 the eight (8) years immediately prior to the date of the death or total and
22 permanent disability of the law enforcement officer, firefighter, emergency
23 medical technician, state highway employee, state correction employee,
24 Department of Community Correction employee, state parks employee, teacher,
25 or state forestry employee.

26 (e) If the covered public employee or his or her heirs did not file
27 for the available death or disability benefit, but were otherwise eligible to
28 receive, within the time frame provided in § 21-5-703, then the covered
29 public employee's child or children who would have otherwise been eligible to
30 receive the provided educational scholarship benefit under this section may
31 individually file prior to their twenty-first birthdays a claim to receive
32 the provided educational scholarship benefit.

33
34 /s/ Reep

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36 APPROVED: 4/2/2007