

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 69 of the Regular Session

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

As Engrossed: H1/26/07

A Bill

HOUSE BILL 1026

5 By: Representatives Hardy, S. Prater, *Blount, Davenport, Davis, Garner, J. Johnson, Moore, Overbey,*
6 *Rainey*

7 By: Senators Faris, *J. Jeffress*
8
9

10 **For An Act To Be Entitled**

11 AN ACT TO PROTECT THE FAMILIES OF FIREFIGHTERS
12 AND POLICE OFFICERS; TO ENSURE THAT FIREFIGHTERS
13 AND POLICE OFFICERS WHO LOSE THEIR LIVES AS THE
14 RESULT OF THEIR DUTIES RECEIVE BENEFITS UNDER
15 FEDERAL LAW; AND FOR OTHER PURPOSES.
16

17 **Subtitle**

18 AN ACT TO ENSURE THAT FIREFIGHTERS AND
19 POLICE OFFICERS WHO LOSE THEIR LIVES AS
20 THE RESULT OF THEIR DUTIES RECEIVE
21 BENEFITS UNDER FEDERAL LAW.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 3 is amended
27 to add an additional section to read as follows:

28 12-12-326. Autopsies -- Line-of-duty death.

29 (a) As used in this section:

30 (1) "Firefighter" means any member of a fire department or fire
31 fighting unit of the Arkansas Forestry Commission, any city of the first
32 class or city of the second class, or any town, or any unincorporated rural
33 area of this state, who actively engages in the fighting of fires on either a
34 regular or voluntary basis; and

35 (2) "Police officer" means any law enforcement officer engaged



1 in official duty who is:

2 (A) A member of:

3 (i) Any regular or auxiliary police force on a full-
4 time or part-time basis; or

5 (ii) The Department of Arkansas State Police; or

6 (B) A sheriff or deputy sheriff of any county.

7 (b) A supervisor of a firefighter or police officer or a coroner, or
8 other person with a similar eligibility under the two (2) acts specified in
9 subdivision (c)(1)(B) of this section, shall promptly notify the State
10 Medical Examiner if the firefighter or police officer, or other eligible
11 person dies in the line of duty, as a result of injuries sustained in the
12 line of duty, or within twenty-four (24) hours after participating in an
13 emergency situation.

14 (c)(1)(A) The State Medical Examiner may conduct an autopsy on any
15 firefighter or police officer, or other person with a similar eligibility
16 under the two (2) acts specified in subdivision (c)(1)(B) of this section who
17 dies in the line of duty, as a result of injuries sustained in the line of
18 duty, or within twenty-four (24) hours after participating in an emergency
19 situation.

20 (B) The autopsy shall be sufficient to determine
21 eligibility for benefits under the federal Public Safety Officers' Benefits
22 Act of 1976 or the Hometown Heroes Survivors Benefits Act of 2003, 42 U.S.C.
23 § 3796 et seq., as appropriate.

24 (C) A report of the autopsy shall be provided to the
25 firefighter's or police officer's commanding officer or the supervisor of
26 another person with a similar eligibility under the two (2) acts specified in
27 subdivision (c)(1)(B) of this section.

28 (2)(A) If the firefighter or police officer, or other person
29 with a similar eligibility under the two (2) acts specified in subdivision
30 (c)(1)(B) of this section has agreed in writing to allow an autopsy under
31 this section, that directive shall be followed unless the firefighter's or
32 police officer's spouse or the spouse of any other person with a similar
33 eligibility under the two (2) acts specified in subdivision (c)(1)(B)
34 dictates otherwise after being notified of the prospective autopsy.

35 (B) If the firefighter or police officer, or other person
36 with a similar eligibility under the two (2) acts specified in subdivision

1 (c)(1)(B) of this section has not agreed in writing to allow an autopsy under
2 this section, the firefighter's or police officer's spouse or the spouse of
3 any other person with a similar eligibility under the two (2) acts specified
4 in subdivision (c)(1)(B) of this section may decide whether or not an autopsy
5 will be performed.

6 (C) If the firefighter's or police officer's spouse or the
7 spouse of any other person with a similar eligibility under the two (2) acts
8 specified in subdivision (c)(1)(B) of this section chooses not to allow the
9 autopsy:

10 (i) No autopsy may be performed;

11 (ii) The body shall be released to the next of kin.

12 (3)(A) If the examiner does not perform an autopsy under this
13 section, he or she shall provide to the firefighter's or police officer's
14 commanding officer or the supervisor of any other person with a similar
15 eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this
16 section written notice stating the reason why no autopsy was performed.

17 (B) The letter shall include a toxicology report.

18
19 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that families of firefighters and
21 police officers, or other persons with a similar eligibility under the two
22 (2) acts specified in subdivision (c)(1)(B) of this section who have died as
23 a result of performing emergency services for their communities have not
24 received timely access to awards programs that would assist the families in
25 their time of crisis; and that those families are suffering unnecessarily,
26 because the awards have not been readily available. Therefore, an emergency
27 is declared to exist and this act being necessary for the preservation of the
28 public peace, health, and safety shall become effective on:

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

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

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

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36 /s/ Hardy, et al

APPROVED: 2/8/2007