

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H2/21/19

# A Bill

HOUSE BILL 1500

5 By: Representative Gazaway  
6 By: Senator S. Flowers  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE SECURITY OF THE PLANS OF  
10 EMERGENCY SERVICE AGENCIES; TO PREVENT, INVESTIGATE,  
11 OR RESPOND TO INCIDENTS OF TERRORISM AND MASS  
12 DESTRUCTION; TO PROVIDE FOR THE SECURITY OF  
13 INVESTIGATIVE FILES AND DOCUMENTS; TO AMEND ACTS  
14 2003, NO. 1366, AS AMENDED, THE HOMELAND SECURITY  
15 INFORMATION ACT; TO DECLARE AN EMERGENCY; AND FOR  
16 OTHER PURPOSES.

## Subtitle

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19 TO AMEND ACTS 2003, NO. 1366, AS AMENDED,  
20 THE HOMELAND SECURITY INFORMATION ACT;  
21 AND TO DECLARE AN EMERGENCY.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. ACTS 2003, No. 1336, Sections 2-4, as amended, and as noted  
28 at Arkansas Code of 1987 Annotated, Title 12, Chapter 75, Subchapter 1, are  
29 amended to read as follows:

30 SECTION 2. Definitions.

31 As used in this act:

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



1           (2) "Cybersecurity incident" means an actual or threatened event  
2 that jeopardizes the security, integrity, confidentiality, or availability of  
3 the following if owned or used by state or local government:

4                   (A) Computers, information, or communications systems or  
5 networks; or

6                   (B) Data or other physical or virtual infrastructure  
7 controlled by computers or information systems;

8           (3) "Emergency service agency" means an agency or department of  
9 the State of Arkansas ~~or any county or~~ city, or the State of Arkansas that  
10 has first responder or investigative responsibilities in the event of a  
11 cybersecurity incident or catastrophe or use of a weapon of mass destruction;  
12 and

13           ~~(3)~~(4) "Weapon of mass destruction" means an explosive,  
14 chemical, radioactive, or biological agent, or any other substance or device  
15 capable of causing extensive property damage, death, or serious physical  
16 injury to multiple persons in a single act or series of acts~~;~~.

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18           SECTION 3. Threat assessments and plans.

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

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

31           (3) Investigative files of emergency service agencies relating  
32 to a cybersecurity incident, catastrophe, or use of a weapon of mass  
33 destruction are not subject to public disclosure until after final  
34 adjudication.

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36           SECTION 4. Sunset Clause.

1 This act expires on July 1, ~~2019~~ 2023.

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4 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
5 General Assembly of the State of Arkansas that this act should be enacted to  
6 extend the current protections of the citizens of Arkansas; and that this act  
7 is necessary due to the threat to the security of emergency service agency  
8 plans and threat assessments. Therefore, an emergency is declared to exist,  
9 and this act being necessary for the preservation of the public peace,  
10 health, and safety shall become effective on July 1, 2019.

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12 */s/Gazaway*

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15 **APPROVED: 3/29/19**