

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1026

4
5 By: Representatives Hardy, S. Prater
6 By: Senator Faris

For An Act To Be Entitled

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

Subtitle

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

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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 Title 12, Chapter 12, Subchapter 3 is amended
26 to add an additional section to read as follows:

27 12-12-326. Autopsies -- Line-of-duty death.

28 (a) As used in this section:

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

34 (2) "Police officer" means any law enforcement officer engaged
35 in official duty who is:

36 (A) A member of:



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

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

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

5 (b) A supervisor of a firefighter or police officer or a coroner, or
 6 both, shall promptly notify the State Medical Examiner if the firefighter or
 7 police officer dies in the line of duty, as a result of injuries sustained in
 8 the line of duty, or within twenty-four (24) hours after participating in an
 9 emergency situation.

10 (c)(1)(A) The State Medical Examiner may conduct an autopsy on any
 11 firefighter or police officer who dies in the line of duty, as a result of
 12 injuries sustained in the line of duty, or within twenty-four (24) hours
 13 after participating in an emergency situation.

14 (B) The autopsy shall be sufficient to determine
 15 eligibility for benefits under the federal Public Safety Officers' Benefits
 16 Act of 1976 or the Hometown Heroes Survivors Benefits Act of 2003, 42 U.S.C.
 17 § 3796 et seq., as appropriate.

18 (C) A report of the autopsy shall be provided to the
 19 firefighter's or police officer's commanding officer.

20 (2)(A) Unless the firefighter or police officer has agreed in
 21 writing to allow an autopsy under this section, the firefighter's or police
 22 officer's commanding officer shall contact the next of kin of the firefighter
 23 or police officer before performing the autopsy.

24 (B) If the next of kin chooses not to allow the autopsy:

25 (i) No autopsy may be performed;

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

27 (3)(A) If the examiner does not perform an autopsy under this
 28 section, he or she shall provide to the firefighter's or police officer's
 29 commanding officer written notice stating the reason why no autopsy was
 30 performed.

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

32 (d) It is unlawful to embalm the body of a firefighter or police
 33 officer if the body is subject to examination by the State Medical Examiner
 34 under this section, unless:

35 (1) Embalming is authorized by the examiner; or

36 (2) The body has been released to the next of kin under

1 subdivision (c)(2)(B) of this section.

2 (e) Upon conviction, a person who violates any provision of this
3 section is guilty of a Class C misdemeanor.

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5 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that families of firefighters and
7 police officers who have died as a result of performing emergency services
8 for their communities have not received timely access to awards programs that
9 would assist the families in their time of crisis; and that those families
10 are suffering unnecessarily, because the awards have not been readily
11 available. Therefore, an emergency is declared to exist and this act being
12 necessary for the preservation of the public peace, health, and safety shall
13 become effective on:

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

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

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

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