

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 2228

CONCERNING THE INDEPENDENT INVESTIGATION OF DEATHS INVOLVING A POLICE OFFICER.

Amendment No. 1 to House Bill No. 2228

Amend House Bill No. 2228 as originally introduced:

Delete everything after the enacting clause and substitute the following:

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

12-12-110. Investigation of officer-involved death.

(a) As used in this section:

(1) "Law enforcement agency" means a police force or organization whose primary responsibility as established by law or ordinance is the enforcement of the criminal, traffic, or highway laws of this state and that is staffed twenty-four (24) hours a day;

(2) "Law enforcement officer" means a full-time, part-time, volunteer, or appointed law enforcement officer or county sheriff who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state; and

(3) "Officer-involved death" means the death of a person that results directly from an act or an omission of a law enforcement officer while the law enforcement officer is on duty, or while the law enforcement officer is not on duty but performing activities that are within the scope of his or her law enforcement duties.

(b) A law enforcement agency shall have a written policy regarding the investigation of an officer-involved death that involves a law enforcement officer employed by the law enforcement agency.

(c)(1) The written policy required by subsection (b) of this section shall require an investigation conducted by at least two (2) investigators, one (1) of whom is the lead investigator and neither of whom is employed by the law enforcement agency that employs the law enforcement officer involved in the officer-involved death.

(2) If an officer-involved death being investigated is traffic-related, the written policy under subsection (b) of this section shall require the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated, except that the written policy for a state law enforcement agency may allow an investigation involving a law enforcement officer employed by that state law enforcement agency to use a



crash reconstruction unit from the same state law enforcement agency.

(3) Each written policy under subsection (b) of this section may allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted under this subsection.

(d)(1) In an expeditious manner, the investigators conducting the investigation under subsection (c) of this section shall provide a written report to the prosecuting attorney having jurisdiction in the county in which the officer-involved death occurred.

(2)(A) If the prosecuting attorney having jurisdiction determines that there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation under subsection (c) of this section shall publicly release the written report described in subdivision (d)(1) of this section.

(B) However, before publicly releasing the written report described in subdivision (d)(1) of this section, the investigators shall delete any information that is not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq."

The Amendment was read _____
By: Representative Blake
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Chief Clerk