

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1204

By: Representative Foster

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 21-5-705 TO INCREASE THE DEATH BENEFITS PAID TO THE SPOUSE OR SURVIVING CHILDREN OF LAW ENFORCEMENT OFFICERS WHO ARE WEARING BULLET PROOF VESTS AND WHO ARE KILLED IN THE LINE OF DUTY AS THE RESULT OF A FELONIOUS CRIMINAL ACT OF ANOTHER PERSON; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 21-5-705 is hereby amended to read as follows:

"21-5-705. Payment of claim to survivors of certain officers killed on duty - Funds.

(a) The state shall pay to the spouse or surviving children of any police officer, wildlife enforcement officer of the Arkansas Game and Fish Commission, or employee of the Department of Correction whose death occurred in the official line of duty and was the result of a felonious criminal action of another person or persons or whose death occurred in the line of duty while the officer or employee was performing emergency medical activities and to the spouse or surviving children of any fire fighter killed while actively participating in fighting a fire of any type or whose death occurred in the line of duty while the fire fighter was performing emergency medical activities, the additional sum of seventy-five thousand dollars (\$75,000), provided the death occurs after July 1, 1987.

(b) In addition to the benefits provided for in subsection (a) of this section, the state shall pay to the spouse or surviving children of any police officer, wildlife enforcement officer of the Arkansas Game and Fish Commission, or employee of the Department of Correction who was wearing a bullet proof vest approved by the Director of the Arkansas State Police and whose death occurred in the official line of duty and was the result of a

felonious criminal action of another person or persons, the additional sum of twenty-five thousand dollars (\$25,000) provided the death occurs after July 1, 1989.

(c) The benefits shall be paid totally from state funds appropriated therefor. The funds shall not be reimbursed by a transfer or charging the funds against any state funds allocated for turnback to cities or counties or distributed to any other state department agency fund account other than the State Claims Commission Fund accounts and the Miscellaneous Revolving Fund Account.

(d) The additional benefits provided in this section shall be paid to the spouse or surviving children in three (3) equal annual payments, the first of which shall be paid one (1) year from the date of the original order of the State Claims Commission establishing entitlement to additional payments and annually thereafter.

(e) Determination for eligibility for the additional payments provided in this section shall be made by the State Claims Commission in accordance with commission rules and procedures."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby amended.