

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

45

By: Senator Nelson

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 21-5-704 AND 705 TO PROVIDE FOR PAYMENTS FROM THE STATE TO THE SURVIVING PARENTS OF POLICE OFFICERS, FIREFIGHTERS AND CERTAIN OTHER PERSONS WHO WERE KILLED IN THE LINE OF DUTY; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 21-5-704(a)(1) is hereby amended to read as follows:

"(1)(A) The state shall pay to the surviving spouse, surviving children, or surviving parents of any police officer, fire fighter, employee of the Arkansas State Highway and Transportation Department, employee of the Department of Correction, emergency services worker, employee of the Arkansas Forestry Commission, commissioned law enforcement personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, or emergency medical technician, as defined in § 21-5-701, who is killed in the official line of duty, the sum of twenty-five thousand dollars (\$25,000).

(B) In addition thereto, the municipality which employed the police officer or fire fighter shall, upon certification of the amount by the police or fire department, pay to the surviving spouse, surviving children, or surviving parents of the deceased police officer or fire fighter an allowance for all sick leave, vacation, or other leave time accumulated to the credit of the police officer or fire fighter at the time of his death."

SECTION 2. Arkansas Code 21-5-704(b) is hereby amended to read as follows:

"(b) All allowances as provided for this section for the surviving spouse, surviving children, or surviving parents of police officers, fire

fighters, employees of the State Highway and Transportation Department, employees of the Department of Correction, emergency services worker, employees of the Arkansas Forestry Commission, commissioned law enforcement personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, and emergency medical technician killed while performing official duties, or allowances provided police officers, fire fighters, employees of the State Highway and Transportation Department, employees of the Arkansas Department of Correction, emergency services worker, employees of the Arkansas Forestry Commission, commissioned law enforcement personnel of the State Parks Division of the Department of Parks and Tourism, wildlife enforcement officer of the Arkansas Game and Fish Commission, and emergency medical technician who are totally and permanently disabled while performing official duties, shall be paid totally from state funds appropriated therefor and the funds shall not be reimbursed by transfer or charging the funds against any state funds allocated for turnback to cities or counties or distributed to the State Highway Department Fund or distributed to any Arkansas Department of Correction Fund account or any other state department agency fund account other than the State Claims Commission fund accounts and the miscellaneous revolving fund account, or state funds levied for fire fighters, police officers, employees of the Arkansas State Highway and Transportation Department, and employees of the Department of Correction pension purposes."

SECTION 3. Arkansas Code 21-5-705(a) is hereby amended to read as follows:

"(a) The state shall pay to the surviving spouse, surviving children, or surviving parents 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 surviving spouse, surviving children, or surviving parents 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."

SECTION 4. Arkansas Code 21-5-705(c) is hereby amended to read as follows:

"(c) The additional benefits provided in this section shall be paid to the surviving spouse, surviving children, or surviving parents 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."

SECTION 5. 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 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. Emergency. It is hereby found and determined by the General Assembly that under current law there is no provision made for the surviving parents of a law enforcement officer injured or killed in the line of duty to be eligible for payment of claims as currently provided for, and it is the intention of the General Assembly to rectify this inequity in the law by passage of this Act. Therefore, an emergency is declared and this Act being immediately necessary to the preservation of public peace, health and safety shall be in full force from January 1, 1988.