

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.

State of Arkansas

As Engrossed: H1/18/01

83rd General Assembly

A Bill

Regular Session, 2001

HOUSE BILL 1192

By: Representatives Teague, French, Oglesby

By: Senator Hill

For An Act To Be Entitled

AN ACT TO PROVIDE SCHOLARSHIPS TO CHILDREN OF DECEASED OR DISABLED EMPLOYEES OF THE DEPARTMENT OF COMMUNITY PUNISHMENT AND TO PROVIDE DEATH BENEFITS TO THE SURVIVORS OF EMPLOYEES OF THE DEPARTMENT OF COMMUNITY PUNISHMENT; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE SCHOLARSHIPS TO CHILDREN OF DECEASED OR DISABLED EMPLOYEES OF THE DEPARTMENT OF COMMUNITY PUNISHMENT AND TO PROVIDE DEATH BENEFITS TO THE SURVIVORS OF EMPLOYEES OF THE DEPARTMENT OF COMMUNITY PUNISHMENT.

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

SECTION 1. Arkansas Code 6-82-501 is amended to read as follows:
6-82-501. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Child" or "children" means any natural child, adopted child, or stepchild who is eligible under § 6-82-504;

(2) "Department of Community Punishment employee" means any employee of the Department of Community Punishment who suffers fatal injuries or wounds or becomes permanently and totally disabled as a result of injuries or wounds which occurred through contact with parolees, probationers, or center residents;

1 ~~(2)~~(3) "Fireman" means any fireman employed on a full-time or volunteer
2 duty status while actually engaged in the performance of his or her duties;

3
4 ~~(3)~~(4) "Law enforcement officer" means a:

5 (A) Constable, which includes all duly elected constables of any
6 beat of any county within the state while actually engaged in the performance
7 of their duties concerning the criminal laws of the county and state;

8 (B) Game warden, which includes all appointed game wardens
9 employed by the State of Arkansas on a full-time duty status while actually
10 engaged in their duties concerning the game laws of this state;

11 (C) Municipal and college or university police officer, which
12 includes all law enforcement officers of any municipality, college, or
13 university who are regular duty personnel on full-time status and does not
14 include auxiliary officers or those serving on a temporary or part-time
15 status;

16 (D) Sheriff or deputy sheriff, which includes all law enforcement
17 officers of full-time status on a regular basis serving the sheriff's
18 department of any county but does not include deputy sheriffs who are engaged
19 in administrative or civil duty or deputy sheriffs serving in a temporary
20 capacity or part-time basis; and

21 (E) State highway patrolman, which includes any law enforcement
22 officer, regardless of department or bureau, of the Department of Arkansas
23 State Police;

24 ~~(4)~~(5) "State correction employee" means any employee of the Department
25 of Correction or the Department of Correction School District who becomes
26 subject to injury through contact with inmates or parolees of the department;

27 ~~(5)~~(6) "State forestry employee" means an employee of the Arkansas
28 Forestry Commission who is actively engaged in his or her duties of fighting
29 forest fires;

30 ~~(6)~~(7) "State highway employee" means any employee of the Arkansas
31 State Highway and Transportation Department who actively engages in highway
32 maintenance, construction, or traffic operations on the roadways and bridges
33 of the state highway system while the roadways and bridges are open for use by
34 the traveling public;

35 ~~(7)~~(8) "State parks employee" means any employee of the State Parks
36 Division of the Department of Parks and Tourism who is a commissioned law

1 enforcement officer or emergency response employee while actively engaged in
2 the performance of his or her duties; and

3 ~~(8)~~(9) "Teacher" means any person employed by a public school for the
4 purpose of giving instruction and whose employment requires state
5 certification.

6
7 SECTION 2. Arkansas Code 6-82-503(a) and (b) are amended to read as
8 follows:

9 (a) If any Arkansas law enforcement officer, full-time or volunteer
10 fireman, state highway employee, state correction employee, Department of
11 Community Punishment employee, state parks employee, teacher, or state
12 forestry employee suffers fatal injuries or wounds or becomes permanently and
13 totally disabled as a result of injuries or wounds which occurred in the
14 performance of a hazardous duty within the scope of his employment or which
15 occurred en route to a location where a hazardous situation existed, his
16 children and spouse shall be entitled to an eight-semester, or the equivalent
17 thereof, scholarship without cost, exclusive of books, food, school supplies,
18 materials, and dues or fees for extracurricular activities, at any state-
19 supported college or university of his choice within this state.

20 (b) Scholarship benefits shall not accrue under this subchapter to any
21 person if the wounds or injuries suffered by any law enforcement officer,
22 fireman, state highway employee, state correction employee, Department of
23 Community Punishment employee, state parks employee, teacher, or state
24 forestry employee are self-inflicted or if the death is self-induced.

25
26 SECTION 3. Arkansas Code 6-82-504(a) through (d) are amended to read as
27 follows:

28 (a) In order for a natural child to be eligible to receive a
29 scholarship benefit:

30 (1) The child must have been born prior to the date of the death
31 or total and permanent disability of the law enforcement officer, fireman,
32 state highway employee, state correction employee, Department of Community
33 Punishment employee, state parks employee, teacher, or state forestry
34 employee; or

35 (2) The law enforcement officer, fireman, state highway employee,
36 state correction employee, state parks employee, teacher, or state forestry

1 employee or the spouse of the law enforcement officer, fireman, state highway
2 employee, state correction employee, Department of Community Punishment
3 employee, state parks employee, teacher, or state forestry employee must have
4 been pregnant with the child at the time of the death or total and permanent
5 disability of the law enforcement officer, fireman, state highway employee,
6 state correction employee, state parks employee, teacher, or state forestry
7 employee.

8 (b) In order for an adopted child to be eligible to receive a
9 scholarship benefit:

10 (1) The child must have been adopted prior to the date of the
11 death or total and permanent disability of the law enforcement officer,
12 fireman, state highway employee, state correction employee, Department of
13 Community Punishment employee, state parks employee, teacher, or state
14 forestry employee; or

15 (2) The child's adoption process must have begun prior to the
16 date of the death or total and permanent disability of the law enforcement
17 officer, fireman, state highway employee, state correction employee,
18 Department of Community Punishment employee, state parks employee, teacher, or
19 state forestry employee.

20 (c) In order for a stepchild under the age of nineteen (19) to be
21 eligible to receive a scholarship benefit:

22 (1) The stepchild must have been listed as a dependent on the
23 federal and state income tax returns of the law enforcement officer, fireman,
24 state highway employee, state correction employee, Department of Community
25 Punishment employee, state parks employee, teacher, or state forestry employee
26 in each of the five (5) income years immediately prior to the date of the
27 death or total and permanent disability of the law enforcement officer,
28 fireman, state highway employee, state correction employee, state parks
29 employee, teacher, or state forestry employee; and

30 (2) The stepchild must have received more than one-half (1/2) of
31 his or her financial support from the law enforcement officer, fireman, state
32 highway employee, state correction employee, Department of Community
33 Punishment employee, state parks employee, teacher, or state forestry employee
34 in each of the five (5) income years immediately prior to the date of the
35 death or total and permanent disability of the law enforcement officer,
36 fireman, state highway employee, state correction employee, state parks

1 employee, teacher, or state forestry employee.

2 (d) In order for a stepchild nineteen (19) years of age or older to be
3 eligible to receive a scholarship benefit:

4 (1) The stepchild must have been listed as a dependent on the
5 federal and state income tax returns of the law enforcement officer, fireman,
6 state highway employee, state correction employee, Department of Community
7 Punishment employee, state parks employee, teacher, or state forestry employee
8 in each of five (5) income years during the eight (8) years immediately prior
9 to the date of the death or total and permanent disability of the law
10 enforcement officer, fireman, state highway employee, state correction
11 employee, teacher, state parks employee, or state forestry employee; and

12 (2) The stepchild must have received more than one-half (1/2) of
13 his or her financial support from the law enforcement officer, fireman, state
14 highway employee, state correction employee, Department of Community
15 Punishment employee, state parks employee, teacher, or state forestry employee
16 in each of five (5) income years during the eight (8) years immediately prior
17 to the date of the death or total and permanent disability of the law
18 enforcement officer, fireman, state highway employee, state correction
19 employee, state parks employee, teacher, or state forestry employee.

20
21 SECTION 4. Arkansas Code 21-5-701 is amended to read as follows:

22 21-5-701. Definitions.

23 As used in this subchapter, unless the context otherwise requires, the
24 following words shall have these meanings ascribed to them:

25 (1) "Police officer" means:

26 (A) Any law enforcement officer engaged in official duty who is a
27 member of any regular or auxiliary police force on a full-time or part-time
28 basis, the Department of Arkansas State Police, or any member of the law
29 enforcement organization of the Camp Robinson Military Reservation or of Fort
30 Chaffee;

31 (B) A sheriff or deputy sheriff of any county who is engaged in
32 official duty; or

33 (C) Any constable or night marshal of any town of this state
34 engaged in official duty;

35 (2) "Fire fighter" shall mean any member of a fire department or fire
36 fighting unit of any city of the first or second class, or any town, or any

1 unincorporated rural area of this state, who actively engages in the fighting
2 of fires on either a regular or voluntary basis, or any instructor of the
3 Arkansas Fire Training Academy, or any member of the fire fighting
4 organization of the Camp Robinson Military Reservation or of Fort Chaffee;

5 (3) "State highway employee" means any employee of the Arkansas State
6 Highway and Transportation Department who actively engages in highway
7 maintenance, construction, or traffic operations on the roadways and bridges
8 of the state highway system while the roadways and bridges are open for use by
9 the traveling public;

10 (4) "State correction employee" means any employee of the Department of
11 Correction or the Department of Correction School District who becomes subject
12 to injury through contact with inmates or parolees of the department;

13 (5) "Qualified emergency services worker" means state, local,
14 volunteer, and other emergency services workers as defined in § 12-75-103(13);

15 (6) "Wildlife enforcement officer" means any employee of the Arkansas
16 State Game and Fish Commission who actively engages, on a full-time or part-
17 time basis, in the enforcement of the boating safety laws and regulations
18 enacted for the protection of game, fish, furbearing animals, and other
19 wildlife of the State of Arkansas;

20 (7) "Emergency medical technician" means emergency medical technicians
21 as defined in subdivision (6) of § 20-13-202;

22 (8) "Child" or "children" means any natural child, adopted child, or
23 stepchild who is eligible under § 21-5-707; ~~and~~

24 (9) "Covered public employee" means police officer, fire fighter, state
25 highway employee, state correction employee, Department of Community
26 Punishment employee, qualified emergency services worker, wildlife enforcement
27 officer, emergency medical technician, Arkansas Forestry Commission employee,
28 commissioned law enforcement personnel, or emergency response personnel of the
29 State Parks Division of the Department of Parks and Tourism; and

30 (10) "Department of Community Punishment employee" means any employee
31 of the Department of Community Punishment who becomes subject to injury
32 through contact with parolees, probationers, or center residents.

33
34 SECTION 5. Arkansas Code 21-5-705(a) and (b) are amended to read as
35 follows:

36 (a) The state shall pay to the surviving spouse or surviving children

1 under the age of twenty-two (22) of any police officer, wildlife enforcement
2 officer of the Arkansas State Game and Fish Commission, commissioned law
3 enforcement officer or emergency response employee of the State Parks Division
4 of the Department of Parks and Tourism, Department of Community Punishment
5 employee, or employee of the Department of Correction whose death occurred in
6 the official line of duty and was the result of a criminal action of another
7 person or persons or whose death occurred in the line of duty while the
8 officer or employee was performing emergency medical activities and to the
9 surviving spouse or surviving children under the age of twenty-two (22) of any
10 fire fighter or employee of the Arkansas Forestry Commission killed while
11 responding to, engaging in, or returning from a fire, a rescue incident, a
12 hazardous material or bomb incident, an emergency medical activity, or
13 simulated training thereof, the additional sum of seventy-five thousand
14 dollars (\$75,000), provided that the death occurs after July 1, 1987.

15 (b) In addition to the benefits provided for in subsection (a) of this
16 section, the state shall pay to the spouse or surviving children under the age
17 of twenty-two (22) of any police officer, wildlife enforcement officer of the
18 Arkansas State Game and Fish Commission, commissioned law enforcement officer
19 of the State Parks Division of the Department of Parks and Tourism, Department
20 of Community Punishment employee, or employee of the Department of Correction
21 who was wearing a bulletproof vest approved by the Director of the Department
22 of Arkansas State Police and whose death occurred in the official line of duty
23 and was the result of a criminal action of another person or persons, the
24 additional sum of twenty-five thousand dollars (\$25,000), provided that the
25 death occurs after July 1, 1989.

26 /s/ Teague
27
28
29
30
31
32
33
34
35
36