

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 84th General Assembly  
3 Regular Session, 2003

# A Bill

SENATE BILL 873

4  
5 By: Senator Salmon  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE SECURITY OF THE PLANS  
10 OF EMERGENCY SERVICE AGENCIES TO PREVENT,  
11 INVESTIGATE, OR RESPOND TO INCIDENTS OF TERRORISM  
12 AND MASS DESTRUCTION; AND TO PROVIDE FOR THE  
13 SECURITY OF INVESTIGATIVE FILES AND DOCUMENTS;  
14 AND FOR OTHER PURPOSES.

## Subtitle

16 THE HOMELAND SECURITY INFORMATION ACT.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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### SECTION 1. Findings.

22 The Arkansas General Assembly finds that:  
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24 (1) The threat of terrorism and the use of weapons of mass  
25 destruction has become a reality in the United States and the State of  
26 Arkansas, the emergency service agencies of state and local government have  
27 had to assume the new and serious responsibilities of protecting the  
28 citizenry from these threats from both domestic and international sources;

29 (2) It is incumbent upon emergency service agencies of this  
30 state to assess vulnerabilities, make plans, and develop operational  
31 procedures to prevent, investigate, and respond to these threats; and

32 (3) It is of the utmost importance that those who may engage in  
33 acts of terrorism or employ weapons of mass destruction against the people  
34 and property of this state not have access to the information designed to  
35 prevent and defeat them.  
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1           SECTION 2. Definitions.

2           As used in this act:

3                   (1) “Catastrophe” means a man-made event that causes disastrous  
 4 property damage, death, or serious physical injury to multiple people by  
 5 explosion, fire, flood, avalanche, collapse of building, distribution of  
 6 poison, radioactive material, bacteria, virus, or other dangerous and  
 7 difficult to confine force or substance; and

8                   (2) “Emergency service agency” means an agency or department of  
 9 the state of Arkansas or its political subdivisions that has responsibility  
 10 to plan for, respond to, or investigate man-made or natural disasters or  
 11 other public emergencies; and

12                   (3) “Weapon of mass destruction” means an explosive, chemical,  
 13 radioactive, or biological agent, or any other substance or device capable of  
 14 causing extensive property damage, death, or serious physical injury to  
 15 multiple persons in a single act or series of acts;.

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 17           SECTION 3. Threat assessments and plans.

18                   (a)(1) The threat assessments, plans, operational policies or  
 19 procedures, and training developed or maintained by any emergency service  
 20 agency for the purpose of preventing, investigating, or responding to a  
 21 catastrophe or use of weapons of mass destruction are not subject to public  
 22 disclosure as public records except if the disclosure is determined in the  
 23 best public interest by the head of the emergency service agency.

24                   (2) Any document or information received by an emergency service  
 25 agency from an agency of the United States government, another state, or its  
 26 political subdivisions that is not subject to disclosure under the laws  
 27 governing the source agency is not subject to public disclosure as a public  
 28 record from the Arkansas agency.

29                   (3) Investigative files of emergency service agencies with  
 30 criminal investigation responsibilities are not subject to public disclosure  
 31 until after final adjudication.

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 33           SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
 34 General Assembly of the State of Arkansas that this act should go into effect  
 35 as soon as possible for the safety and protection of the citizens of Arkansas  
 36 and that this act is immediately necessary because of the threat to the

1 security of emergency service agency plans and threat assessments.

2 Therefore, an emergency is declared to exist and this act being immediately  
3 necessary for the preservation of the public peace, health, and safety shall  
4 become effective on:

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

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

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

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