

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

HOUSE BILL 1207

By: Representative E. Brown

## For An Act To Be Entitled

AN ACT TO EXEMPT CERTAIN DEATH OR DISABILITY  
BENEFITS OF COVERED PUBLIC EMPLOYEES OR THEIR  
SURVIVORS FROM LEGAL PROCESS; AND FOR OTHER  
PURPOSES.

## Subtitle

TO EXEMPT CERTAIN DEATH OR DISABILITY  
BENEFITS OF COVERED PUBLIC EMPLOYEES OR  
THEIR SURVIVORS FROM LEGAL PROCESS.

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

SECTION 1. Arkansas Code § 21-5-704 is amended to read as follows:

21-5-704. Payment of claim to covered public employees or their  
survivors - Funds.

(a)(1)(A) The state shall pay to the surviving spouse or surviving  
children under the age of twenty-two (22) or, if there is no surviving spouse  
or surviving children under the age of twenty-two (22), then to the surviving  
children twenty-two (22) years of age or older or to the surviving parents of  
any covered public employee 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 firefighter shall, upon certification of the amount by  
the police or fire department, pay to the surviving spouse or surviving  
children under the age of twenty-two (22) or, if there is no surviving spouse  
or surviving children under the age of twenty-two (22), then to the surviving  
children twenty-two (22) years of age or older or to the surviving parents of



1 the deceased police officer or firefighter an allowance for all sick leave,  
2 vacation, or other leave time accumulated to the credit of the police officer  
3 or firefighter at the time of his or her death.

4 (2)(A) In the event any covered public employee shall suffer any  
5 injury while engaged in the performance of official duties resulting in his  
6 or her total and permanent disability, the disabled covered public employee  
7 shall be entitled to the sum of ten thousand dollars (\$10,000) from the State  
8 of Arkansas upon establishing proof of the total and permanent disability.

9 (B) Proof of total and permanent disability shall be  
10 established by offering evidence that the covered public employee was unable  
11 to work in the employment position covered by this subchapter for a period of  
12 more than one (1) year or that the covered public employee received a  
13 disability rating in excess of twenty-five percent (25%) from the Workers'  
14 Compensation Commission.

15 (b)(1) All allowances as provided for in this section for the  
16 surviving spouse, surviving children, or surviving parents of covered public  
17 employees killed while performing official duties, or allowances provided  
18 covered public employees who are totally and permanently disabled while  
19 performing official duties, shall be paid totally from state funds  
20 appropriated therefor.

21 (2) The funds shall not be reimbursed by transfer or charging  
22 the funds against any state funds allocated for turnback to cities or  
23 counties or distributed to the State Highway and Transportation Department  
24 Fund or distributed to any Department of Correction fund account or any other  
25 state department agency fund account other than the Arkansas State Claims  
26 Commission fund accounts and the Miscellaneous Revolving Fund Account, or  
27 state funds levied for firefighters, police officers, employees of the  
28 Arkansas State Highway and Transportation Department, and employees of the  
29 Department of Correction for pension purposes.

30 (c) It is the intent of this subchapter that the total obligation of  
31 providing the benefits provided by this subchapter, even though the funds are  
32 to be administered by the Arkansas State Claims Commission, are to be  
33 defrayed from state funds and are not to be charged against, or recovered  
34 against, any turnback moneys due the cities or counties of this state or  
35 allocated to the state highway system of this state or to the Department of  
36 Correction or any other state department agency fund account other than the

1 Arkansas State Claims Commission fund accounts and the Miscellaneous  
2 Revolving Fund Account.

3 (d) Money paid under this section shall not be subject to garnishment,  
4 attachment, levy, execution, or any other legal process or remedy provided  
5 for the collection of debt.