

1 State of Arkansas
2 93rd General Assembly
3 Fiscal Session, 2022
4

A Bill

SENATE BILL 103

5 By: Senator Hickey
6 By: Representative Shepherd
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR LAW ENFORCEMENT
10 STIPEND GRANTS FOR THE DEPARTMENT OF FINANCE AND
11 ADMINISTRATION - DISBURSING OFFICER FOR THE FISCAL
12 YEAR ENDING JUNE 30, 2023; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF FINANCE AND
15 ADMINISTRATION - DISBURSING OFFICER
16 APPROPRIATION FOR THE 2022-2023 FISCAL
17 YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. APPROPRIATION - LAW ENFORCEMENT STIPEND GRANTS. There is
24 hereby appropriated, to the Department of Finance and Administration -
25 Disbursing Officer, to be payable from the Law Enforcement Stipend Grants
26 Sub-Fund of the Miscellaneous Agencies Fund Account, for Law Enforcement
27 Stipend Grants for the fiscal year ending June 30, 2023, the following:
28

29 ITEM	FISCAL YEAR
30 NO.	2022-2023
31 (01) LAW ENFORCEMENT STIPEND GRANTS	<u>\$100,000,000</u>

32
33 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Temporary
35 legislation - LAW ENFORCEMENT STIPEND GRANTS.

36 (a)(1) This section shall be known and may be cited as the "Arkansas



1 Full-Time Law Enforcement Officer Salary Stipend Act of 2022”.

2 (2) It is intent of the General Assembly that:

3 (A) An eligible full-time law enforcement officer is not
4 awarded more than one (1) salary stipend under this section even if the
5 eligible law enforcement officer is employed by more than one (1) eligible
6 local law enforcement agency or eligible state law enforcement agency during
7 the applicable time period described under this section; and

8 (B) The salary stipends awarded under this section shall
9 not occur more than one (1) time unless authorized by the General Assembly in
10 subsequent legislation.

11 (3)(A) While all persons employed by a local or a state law
12 enforcement agency or other state agency, locality, or political subdivision
13 are engaged in important and vital work in our criminal justice system, it is
14 the intent of the General Assembly to limit the salary stipends provided for
15 under this section to the most vital law enforcement officers that are out on
16 the street, literally standing between criminals and the public or engaged in
17 the active investigation of criminal acts committed against the public at
18 large.

19 (B) As such, the General Assembly intends for the salary
20 stipends to be awarded to our state troopers, our deputy county sheriffs, our
21 city and municipal police officers, our officers engaged in closely
22 supervising our probationers and parolees, our certified law enforcement
23 agents, detectives that solve crimes, our patrolmen and partrolwomen, our
24 criminal investigators, and any of the other certified law enforcement
25 officers that patrol and work our streets, that are the face of our
26 communities, and that are active every day in protecting the public and
27 stopping and investigating crime.

28 (b) As used in this section:

29 (1) “Auxiliary law enforcement officer” means a person who:

30 (A) Meets the minimum standards and training requirements
31 prescribed for an auxiliary law enforcement officer by law;

32 (B) Receives no salary or wages for the performance of his
33 or her duties; and

34 (C) Is appointed by a political subdivision of the state
35 or a law enforcement agency as a reserve officer, volunteer officer, or
36 mounted patrol, not including any law enforcement officer or deputy county

1 sheriff employed by a planned community property owners’ association;

2 (2)(A) “Eligible full-time law enforcement officer” means a
 3 person who:

4 (i) Is an appointed law enforcement officer
 5 responsible for the prevention and detection of crime and the enforcement of
 6 the criminal, traffic, or highway laws of this state;

7 (ii) Is employed by and receives a salary authorized
 8 by an eligible local law enforcement agency or eligible state law enforcement
 9 agency;

10 (iii) Has the statutory authority to enforce the
 11 criminal, traffic, and highway laws of the state and serves a law enforcement
 12 function for an eligible local law enforcement agency or eligible state law
 13 enforcement agency;

14 (iv) Is employed as a law enforcement officer more
 15 than twenty-four (24) hours per week; and

16 (v) Has satisfactorily completed a program of basic
 17 law enforcement training at a school approved by the Arkansas Commission on
 18 Law Enforcement Standards and Training.

19 (B) “Eligible full-time law enforcement officer” includes
 20 a person who satisfies the requirements of subdivision (b)(2)(A) of this
 21 section and who is employed as specialized police personnel for the
 22 Department of Corrections.

23 (C) “Eligible full-time law enforcement officer” does not
 24 include a person employed as:

25 (i) Specialized police personnel not employed by the
 26 Department of Corrections, including without limitation:

27 (a) An employee of a county, regional, or city
 28 jail or correctional or detention center who is not otherwise employed as an
 29 eligible full-time law enforcement officer;

30 (b) A probation or parole officer that is not
 31 otherwise employed as an eligible full-time law enforcement officer; and

32 (c) A bailiff;

33 (ii) An auxiliary law enforcement officer;

34 (iii) A part-time law enforcement officer;

35 (iv) A law enforcement officer of the United States
 36 Government;

- 1 (v) An elected law enforcement officer who is:
- 2 (a) Not a certified law enforcement officer;
- 3 (b) Employed as a law enforcement officer no
- 4 more than twenty-four (24) hours per week; or
- 5 (c) Both;
- 6 (vi) An employee of a law enforcement agency, state
- 7 agency, or state department who is not primarily involved in law enforcement;
- 8 (vii) A law enforcement officer who is currently
- 9 pending decertification as a law enforcement officer; or
- 10 (viii) A law enforcement officer primarily employed
- 11 as a law enforcement officer by an educational institution, including a
- 12 public or private:
- 13 (a) Prekindergarten school;
- 14 (b) Primary school;
- 15 (c) Secondary school; or
- 16 (d) Institution of higher education;
- 17 (3) "Eligible local law enforcement agency" means a county or a
- 18 municipal police department that employs an eligible full-time law
- 19 enforcement officer;
- 20 (4) "Eligible state law enforcement agency" means the Department
- 21 of Public Safety and the Department of Corrections;
- 22 (5) "Part-time law enforcement officer" means a person who:
- 23 (A) Is employed by and receives a salary authorized by a
- 24 law enforcement agency;
- 25 (B) Has the statutory authority to enforce the criminal,
- 26 traffic, or highway laws of this state; and
- 27 (C) Is employed as a law enforcement officer no more than
- 28 twenty-four (24) hours per week; and
- 29 (6) "Specialized police personnel" means a full-time or part-
- 30 time law enforcement officer authorized by statute or employed by a law
- 31 enforcement agency whose duty as prescribed by law or ordinance is enforcing
- 32 some part of the criminal or highway laws of this state and whose authority
- 33 is limited to the facility or area in which he or she works.
- 34 (c) Subject to an appropriation provided by the General Assembly, an
- 35 eligible full-time law enforcement officer who is:
- 36 (1) Employed by an eligible state law enforcement agency on July

1 1, 2022, is eligible to receive a one-time salary stipend as described under
2 subsection (g) of this section upon verification of eligibility for the
3 salary stipend by the Division of Law Enforcement Standards and Training; or

4 (2) First employed by an eligible local law enforcement agency
5 or an eligible state law enforcement agency after July 1, 2022, but on or
6 before January 31, 2023, shall receive a one-time salary stipend as described
7 under subsection (g) of this section upon certification to the division by
8 the eligible local law enforcement agency or eligible state law enforcement
9 agency that the eligible full-time law enforcement officer is currently
10 employed by the eligible local law enforcement agency or eligible state law
11 enforcement agency as a full-time law enforcement officer at the time of
12 certification to the division.

13 (d)(1) On or before August 1, 2022, an eligible local law enforcement
14 agency or an eligible state law enforcement agency shall provide a
15 certification on a form provided by the division that identifies each
16 eligible full-time law enforcement officer employed by the eligible local law
17 enforcement agency or eligible state law enforcement agency as a full-time
18 law enforcement officer on July 1, 2022.

19 (2) The form shall be signed by the chief law enforcement
20 officer of the eligible local law enforcement agency or eligible state law
21 enforcement agency and shall include:

22 (A) The name of the eligible full-time law enforcement
23 officer;

24 (B) The date the eligible full-time law enforcement
25 officer began his or her current employment with the eligible local law
26 enforcement agency or eligible state law enforcement agency as a full-time
27 law enforcement officer; and

28 (C) Any other information required by the division to
29 properly verify eligibility for the salary stipend provided for by this
30 section.

31 (e) As soon as practicable, an eligible local law enforcement agency
32 or an eligible state law enforcement agency that employs an eligible full-
33 time law enforcement officer after July 1, 2022, but on or before January 31,
34 2023, shall provide the form under subdivision (d)(1) of this section to the
35 division for the eligible full-time law enforcement officer.

36 (f) The division shall:

1 Reserve Fund for use in issuing payments to an eligible local law enforcement
2 agency or an eligible state law enforcement agency under this section;

3 (B) Issue a salary stipend to each eligible local law
4 enforcement agency equal to:

5 (i) Five thousand dollars (\$5,000) for each eligible
6 full-time law enforcement officer certified by the division and employed by
7 that eligible local law enforcement agency as a full-time law enforcement
8 officer; and

9 (ii) The employer’s matching share of Social
10 Security and Medicare taxes due on that salary stipend as required by federal
11 law in effect on January 1, 2022;

12 (C) Initiate a fund transfer for a salary stipend to the
13 appropriate state agency fund for an eligible state law enforcement agency
14 employing a full-time law enforcement officer, as follows:

15 (i) The fund transfer shall be equal to:

16 (a) Two thousand dollars (\$2,000) for each
17 eligible full-time law enforcement officer certified by the division and
18 employed by that eligible state law enforcement agency unless the eligible
19 full-time law enforcement officer has the primary job responsibility of
20 supervising parolees and probationers, in which case the amount is five
21 thousand dollars (\$5,000); and

22 (ii) The employer’s matching share of Social
23 Security and Medicare taxes due on that salary stipend as required by federal
24 law in effect on January 1, 2022; and

25 (D) Deny payment of the salary stipend based on a
26 certification form received from the division after June 15, 2023.

27 (2) An eligible full-time law enforcement officer may not be
28 awarded more than one (1) salary stipend under this section even if the
29 eligible full-time law enforcement officer may be employed by more than one
30 (1) eligible local law enforcement agency or eligible state law enforcement
31 agency during the applicable time period described under this section.

32 (h) Both an eligible local law enforcement agency and an eligible
33 state law enforcement agency shall:

34 (1) Pay the salary stipend under this section to an eligible
35 full-time law enforcement officer in the eligible full-time law enforcement
36 officer’s next paycheck or as soon as practicable following receipt of funds

1 from the secretary;

2 (2) Withhold from the salary stipend income taxes, the
3 employee's share of Social Security and Medicare taxes, and any other
4 withholdings required by state or federal law;

5 (3) Verify that salary stipends are only issued to persons
6 meeting the eligibility requirements of this section; and

7 (4) Shall not use the funds under this section for any other
8 purpose.

9 (i)(1) Funds received under this section shall be returned to the
10 secretary by the eligible local law enforcement agency or eligible state law
11 enforcement agency if it is later determined that a person certified by the
12 division as eligible for the salary stipend was actually ineligible for the
13 salary stipend.

14 (2) A person who receives the salary stipend provided for by
15 this section who is subsequently decertified as a law enforcement officer
16 shall immediately return the salary stipend to the eligible local law
17 enforcement agency or eligible state law enforcement agency issuing the
18 salary stipend if the decertification becomes effective within one hundred
19 eighty (180) days of the date the person received the salary stipend.

20 (3) An eligible full-time law enforcement officer who receives
21 the salary stipend provided for by this section and who resigns his or her
22 employment or ceases to be employed with an eligible local law enforcement
23 agency or an eligible state law enforcement agency within one hundred eighty
24 (180) days of receiving the salary stipend shall immediately return the
25 salary stipend to the eligible local law enforcement agency or eligible state
26 law enforcement agency issuing the salary stipend unless the resignation or
27 cessation of employment occurred:

28 (A) To immediately accept employment as an eligible full-
29 time law enforcement officer with another eligible local law enforcement
30 agency or an eligible state law enforcement agency;

31 (B) As a result of the death of the eligible full-time law
32 enforcement officer;

33 (C) As a result of the retirement of the eligible full-
34 time law enforcement officer;

35 (D) Due to a medical necessity of the eligible full-time
36 law enforcement officer or a member of the eligible full-time law enforcement

1 officer's family; or

2 (E) For reasons beyond the eligible full-time law
3 enforcement officer's control.

4 (4) An eligible local law enforcement agency or an eligible
5 state law enforcement agency that receives a return of a salary stipend under
6 subdivision (i)(2) or subdivision (i)(3) of this section shall return the
7 returned salary stipend to the secretary immediately following receipt of the
8 returned salary stipend.

9 (5)(A) If the division or the secretary determines that an
10 eligible local law enforcement agency of a county, city, or town has failed
11 to properly pay the salary stipend to an eligible full-time law enforcement
12 officer as required by this section or has failed to return a salary stipend
13 returned by an eligible full-time law enforcement officer who was decertified,
14 resigned, or otherwise ceased employment, the division or the secretary shall
15 notify the Treasurer of State.

16 (B) Upon notification under subdivision (i)(5)(A) of this
17 section, the Treasurer of State shall then withhold from the county or
18 municipal aid of the county, city, or town an amount equal to the funds that
19 were not properly paid to the eligible full-time law enforcement officer or
20 not properly returned and shall remit those amounts to the secretary for
21 deposit into the General Revenue Allotment Reserve Fund.

22 (j)(1) By June 30, 2023, an eligible local law enforcement agency or
23 an eligible state law enforcement agency receiving funds under this section
24 shall submit a report to the division certifying that each eligible full-time
25 law enforcement officer received the salary stipend verified by the division
26 and the amount paid to each eligible full-time law enforcement officer.

27 (2) The division shall prepare, compile and submit a report
28 containing the data described under subdivision (j)(1) of this section to
29 chairs of the Legislative Council or the Joint Budget Committee during a
30 Regular Session, Fiscal Session, or Extraordinary Session of the General
31 Assembly no later than October 1, 2023.

32 (k) The division shall promulgate rules establishing a review process
33 to determine:

34 (1) Whether a person was properly denied payment of the salary
35 stipend for failure to satisfy the qualifications of an eligible full-time
36 law enforcement officer; and

1 (2) Whether a person was properly required to return the salary
2 stipend.

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4 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
6 TRANSFER. (i) Immediately upon the effective date of this Section or as soon
7 as is practicable, the Chief Fiscal Officer of the State shall transfer on
8 his or her books and those of the State Treasurer and the Auditor of the
9 State the sum of one hundred million dollars (\$100,000,000) from the General
10 Revenue Allotment Reserve Fund to the Law Enforcement Stipend Grant Sub-Fund
11 in the Miscellaneous Agencies Fund Account to provide funding exclusively for
12 the Law Enforcement Stipend Grants Appropriation in Section 1 in this Act to
13 be distributed as set out in Law Enforcement Stipend Grants Special Language
14 in Section 2 of this Act.

15 (ii) Any funds not expended in the Law Enforcement Stipend Grant Sub-
16 Fund in the Miscellaneous Agencies Fund Account as established in subsection
17 (i) herein after June 30, 2023 shall be transferred to the General Revenue
18 Allotment Reserve Fund.

19 (iii) The provisions of this section shall be in effect upon passage
20 and approval through June 30, 2023.

21
22 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
23 authorized by this act shall be limited to the appropriation for such agency
24 and funds made available by law for the support of such appropriations; and
25 the restrictions of the State Procurement Law, the General Accounting and
26 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
27 Procedures and Restrictions Act, or their successors, and other fiscal
28 control laws of this State, where applicable, and regulations promulgated by
29 the Department of Finance and Administration, as authorized by law, shall be
30 strictly complied with in disbursement of said funds.

31
32 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General
33 Assembly that any funds disbursed under the authority of the appropriations
34 contained in this act shall be in compliance with the stated reasons for
35 which this act was adopted, as evidenced by the Agency Requests, Executive
36 Recommendations and Legislative Recommendations contained in the budget

1 manuals prepared by the Department of Finance and Administration, letters, or
2 summarized oral testimony in the official minutes of the Arkansas Legislative
3 Council or Joint Budget Committee which relate to its passage and adoption.

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5 SECTION 6. EFFECTIVE DATE. Section 1, 4, and 5 of this act are
6 effective on and after July 1, 2022.

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8 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly of the State of Arkansas that the safety and security of Arkansas
10 citizens and businesses require the presence of a trained workforce of
11 qualified law enforcement officers; that economic conditions have impaired
12 the ability of state and local governments to recruit and retain qualified
13 law enforcement officers; and that Sections 2 and 3 of this act would improve
14 the safety of all citizens by providing immediate financial benefits to
15 encourage the recruitment and retention of qualified law enforcement
16 officers. Therefore, an emergency is declared to exist, and Sections 2 and 3
17 of this act being immediately necessary for the preservation of the public
18 peace, health, and safety shall become effective on:

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

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

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