

Stricken language would be deleted from and underlined language would be added to present law.
Act 984 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/6/13
A Bill

HOUSE BILL 1529

By: Representative Catlett

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CERTAIN EMPLOYEES
OF THE STATE INSURANCE DEPARTMENT; TO MAKE
INVESTIGATORS OF THE STATE INSURANCE DEPARTMENT LAW
ENFORCEMENT OFFICERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CERTAIN
EMPLOYEES OF THE STATE INSURANCE
DEPARTMENT; AND TO MAKE INVESTIGATORS OF
THE STATE INSURANCE DEPARTMENT LAW
ENFORCEMENT OFFICERS.

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

SECTION 1. Arkansas Code § 11-9-106(d)(1), concerning personnel and investigators hired by the Workers' Compensation Fraud Investigation Unit of the State Insurance Department, is amended to read as follows:

(d)(1)(A)(i) There shall be established within the State Insurance Department a Workers' Compensation Fraud Investigation Unit, funded by the commission, which will be headed and supervised by a director who may also serve as the director of any other designated insurance fraud investigation division within the department, in which event the director's compensation shall be paid solely from the funds of such insurance fraud investigation division.

(ii) The Worker's Compensation Fraud Investigation Unit of the State Insurance Department is designated as a law enforcement agency.



(B)(i) The unit herein designated will investigate workers' compensation fraud, additional criminal violations that may be related thereto, and any other insurance fraud matters as may be assigned at the discretion of the director.

(ii) The Insurance Commissioner shall designate the personnel assigned to the unit, who, ~~upon meeting the qualifications established by the Arkansas Commission on Law Enforcement Standards and Training,~~ shall have the powers of specialized law enforcement officers of the State of Arkansas for the purpose of conducting conduct investigations under this subdivision (d)(1)(B).

(iii) A person designated and employed as an investigator by the Workers' Compensation Fraud Investigation Unit of the State Insurance Department shall:

(a) Be a certified law enforcement officer under § 12-9-101 et seq.; and

(b) Have statewide law enforcement jurisdiction and authority.

(iv) Personnel hired as ~~specialized~~ law enforcement officers shall ~~have a minimum of three (3) years of~~ be state certified law enforcement ~~experience or its~~ the equivalent in national or military law enforcement experience as approved by the Arkansas Commission on Law Enforcement Standards and Training.

SECTION 2. Arkansas Code § 23-66-508(a), concerning personnel and investigators hired by the Criminal Investigation Division of the State Insurance Department, is amended to read as follows:

(a)(1) The Criminal Investigation Division is established within the State Insurance Department and is designated a law enforcement agency.

(2)(A) The Insurance Commissioner shall appoint the full-time supervisory and investigative personnel of the division, who shall be qualified by training and experience to perform the duties of their positions.

(B) A person designated and employed as an investigator for the division shall:

(i) Be a certified law enforcement officer under § 12-9-101 et seq.; and

(ii) Have statewide law enforcement jurisdiction and authority.

(3)(A) The commissioner shall designate the personnel assigned to the division, who, ~~upon meeting the qualifications established by the Arkansas Commission on Law Enforcement Standards and Training,~~ shall have the powers of specialized law enforcement officers of the State of Arkansas for the ~~purpose of conducting~~ conduct investigations under § 23-66-504 and any criminal violations related to those investigations.

(B) Personnel hired as ~~specialized~~ law enforcement officers ~~shall have a minimum of three (3) years of~~ be state certified in law enforcement ~~experience or its~~ the equivalent in national or military law enforcement experience as approved by the commission.

(4) The commissioner shall also appoint clerical and other staff necessary for the division to carry out its duties and responsibilities under this subchapter.

/s/Catlett

APPROVED: 04/08/2013