

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H2/21/19  
**A Bill**

HOUSE BILL 1500

By: Representative Gazaway

By: Senator S. Flowers

### **For An Act To Be Entitled**

AN ACT TO PROVIDE FOR THE SECURITY OF THE PLANS OF EMERGENCY SERVICE AGENCIES; TO PREVENT, INVESTIGATE, OR RESPOND TO INCIDENTS OF TERRORISM AND MASS DESTRUCTION; TO PROVIDE FOR THE SECURITY OF INVESTIGATIVE FILES AND DOCUMENTS; TO AMEND ACTS 2003, NO. 1366, AS AMENDED, THE HOMELAND SECURITY INFORMATION ACT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND ACTS 2003, NO. 1366, AS AMENDED, THE HOMELAND SECURITY INFORMATION ACT; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. ACTS 2003, No. 1336, Sections 2-4, as amended, and as noted at Arkansas Code of 1987 Annotated, Title 12, Chapter 75, Subchapter 1, are amended to read as follows:

SECTION 2. Definitions.

As used in this act:

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



(2) "Cybersecurity incident" means an actual or threatened event that jeopardizes the security, integrity, confidentiality, or availability of the following if owned or used by state or local government:

(A) Computers, information, or communications systems or networks; or

(B) Data or other physical or virtual infrastructure controlled by computers or information systems;

(3) "Emergency service agency" means an agency or department of the State of Arkansas ~~or any county or~~ city, or the State of Arkansas that has first responder or investigative responsibilities in the event of a cybersecurity incident or catastrophe or use of a weapon of mass destruction; and

~~(3)~~(4) "Weapon of mass destruction" means an explosive, chemical, radioactive, or biological agent, or any other substance or device capable of causing extensive property damage, death, or serious physical injury to multiple persons in a single act or series of acts~~;~~.

### SECTION 3. Threat assessments and plans.

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

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

(3) Investigative files of emergency service agencies relating to a cybersecurity incident, catastrophe, or use of a weapon of mass destruction are not subject to public disclosure until after final adjudication.

### SECTION 4. Sunset Clause.

This act expires on July 1, ~~2019~~ 2023.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act should be enacted to extend the current protections of the citizens of Arkansas; and that this act is necessary due to the threat to the security of emergency service agency plans and threat assessments. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.

*/s/Gazaway*