

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: H3/14/19 H3/29/19
A Bill

HOUSE BILL 1614

By: Representative Hawks

For An Act To Be Entitled

AN ACT TO CREATE A BILL OF RIGHTS FOR MUNICIPAL
FIREFIGHTERS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A BILL OF RIGHTS FOR MUNICIPAL
FIREFIGHTERS.

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

SECTION 1. Arkansas Code Title 14, Chapter 53, Subchapter 1, is amended to add an additional section to read as follows:

14-53-113. Municipal firefighter bill of rights – Legislative intent.

(a) It is the intent of the General Assembly that this section:

(1) Establish a bill of rights for current or prospective municipal firefighters;

(2) Not impair the day-to-day operation of a municipal fire department;

(3) Not impair or otherwise limit municipalities in hiring, disciplining, promoting, or directing municipal firefighters when those activities are not in conflict with this section; and

(4) Not diminish the rights and privileges of municipal firefighters that are guaranteed by the:

(A) United States Constitution and the laws of the United States; and

(B) Arkansas Constitution and the laws of the State of Arkansas.

(b)(1) Unless a municipality has passed a resolution to not implement



this section, a municipal fire department shall enact policies and procedures consistent with accepted fire industry standards and provide a copy of the policies and procedures to each municipal firefighter.

(2) A municipal firefighter shall be disciplined only for violation of policies reasonably related to the orderly, safe, and efficient operation of the municipal fire department.

(c) Discipline within a municipal fire department shall be applied in a fair and consistent manner and only after a fair and objective investigation that demonstrates substantial proof or evidence that the municipal firefighter was guilty of violating a policy.

(d) The discipline to which a municipal firefighter is subjected shall:

(1) Reflect the seriousness of the offense and the municipal firefighter's record of past service; and

(2) Be consistent with the municipal fire department's previous application of discipline for similar offenses.

(e)(1) A municipal firefighter shall be notified and present at the commencement of any search of his or her personal property unless the municipal firefighter waives the right or the search is executed under a lawful search warrant.

(2) As used in this subsection, "personal property" includes without limitation the municipal firefighter's personal vehicle, locker, or other personal effects not issued by the municipal fire department.

(f) For purposes of promotion or assignment, a municipal firefighter is not required to disclose any item of his or her property, income, assets, debts, or expenditures, or those of any member of the municipal firefighter's household.

(g) Except when on duty or acting in his or her official capacity, a municipal firefighter is not prohibited from engaging in political activity or from refusing to engage in political activity.

(h) A municipal fire department shall not limit the freedom of personal choice in a municipal firefighter's family matters, including without limitation off-duty employment, personal relationships, domicile, or religious observances.

(i) A municipal fire department shall not limit the size of an applicant pool for positions within the municipal fire department.

/s/Hawks