

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: H3/20/25 S4/7/25

## A Bill

HOUSE BILL 1808

By: Representatives A. Collins, *Andrews*

By: Senator C. Tucker

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL FIRE DEPARTMENTS; TO CREATE THE BILL OF RIGHTS FOR FIREFIGHTERS; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING MUNICIPAL FIRE DEPARTMENTS; AND TO CREATE THE BILL OF RIGHTS FOR FIREFIGHTERS.

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

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

Subchapter 2 — Bill of Rights for Firefighters

14-53-201. Purpose.

(a) The purpose of this subchapter is to recommend a basic Bill of Rights for firefighters of municipalities in Arkansas.

(b) A municipality may adopt a local ordinance establishing any or all of the procedures under this subchapter as a guide for negotiating personnel issues with its firefighters.

14-53-202. Definitions.

As used in this subchapter:

(1) "Firefighter" means a public servant vested by law with the primary duty of fighting fires and providing fire protection services to a municipality;



(2) "Formal proceeding" means a proceeding heard before any officer, committee, or other body of municipal government with the authority to take disciplinary action against a firefighter; and

(3) "Official departmental charges" means a written document from the fire chief or other lawful authority notifying the accused firefighter that charges of misconduct have been made and setting forth the specifics of the alleged misconduct.

14-53-203. Disciplinary proceedings.

When a firefighter is under investigation for alleged improper conduct with a possible result of termination, demotion, or other disciplinary action causing loss of pay or status, the following minimum standards may apply:

(1) Adverse inference shall not be drawn and no punitive action shall be taken from a refusal of the firefighter being investigated to participate in the investigation or be interrogated other than when the firefighter is on duty or is otherwise fully compensated for the time spent in accordance with municipal and departmental overtime policy, state law, and federal law;

(2) An interrogation of a firefighter shall take place at:

(A) The office of those conducting the investigation;

(B) The place where the firefighter reports for duty; or

(C) Another reasonable place as the investigator may

determine;

(3) The firefighter being investigated shall be informed at the commencement of his or her interrogation of:

(A) The nature of the investigation;

(B) The identity and authority of the person or persons conducting the investigation; and

(C) The identity of all persons present during the interrogation;

(4) During the interrogation of the firefighter, questions will be posed by or through only one (1) interrogator at a time;

(5) An interrogation of a firefighter in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of the firefighter;

(6) No threat, harassment, promise, or reward shall be made to a

firefighter in connection with an investigation in order to induce the answering of any questions that the firefighter has a legal right to refrain from answering, but immunity from prosecution may be offered to induce such a response;

(7)(A) An interrogation of a firefighter in connection with an investigation against him or her shall be recorded in full.

(B) The firefighter may make his or her own independent recording of the interrogation and have one (1) witness of his or her choosing present who shall be:

(i) An attorney; or

(ii) A member of the fire department who is not related in any way to the matter under investigation;

(8) A formal proceeding with the authority to administer disciplinary action against a firefighter shall not be held unless official departmental charges are brought;

(9) Official departmental charges shall contain the:

(A) Specific conduct that is alleged to be improper;

(B) Date and the time of the alleged misconduct;

(C) Witnesses whose information provided the basis for the charges; and

(D) Specific rules, regulations, orders, or laws alleged to have been violated;

(10)(A) A firefighter under official departmental charges is entitled to a predisciplinary hearing before the fire chief, if the disciplinary action is being considered.

(B) The firefighter may select a person of his or her choosing to be present at the hearing; and

(11) A formal proceeding under which a firefighter may be penalized shall not be brought except upon charges signed by the person making those charges.

14-53-204. Disclosure not required for promotion or assignment.

A firefighter shall not be required to disclose any of the following information as it relates to the firefighter or a member of the firefighter's household for the purpose of promotion or assignment:

(1) An item of his or her property;

- (2) Income;
- (3) Assets;
- (4) Debts; or
- (5) Expenditures.

14-53-205. Notification of personnel action.

Except under exigent circumstances, a firefighter shall be notified of the pending action by written official departmental charges a reasonable time before the action is taken when a personnel action may result in a loss of:

- (1) Pay;
- (2) Benefits; or
- (3) Status.

14-53-206. Participation in political activities.

Except when on duty or acting in his or her official capacity, a firefighter of a municipality shall not be:

- (1) Prohibited from engaging in political activity; or
- (2) Denied the right to refrain from engaging in the political activity.

14-53-207. No retaliation for exercise of rights — Other legal remedies.

(a) A firefighter shall not be penalized or threatened with a penalty for exercising his or her rights under this subchapter.

(b) This subchapter is not an exclusive legal remedy for a firefighter with respect to any rights a firefighter has under this subchapter.

*/s/A. Collins*