

Title 26. Taxation

Chapter XX. Division of Arkansas State Police, Department of Public Safety

Subchapter A. Generally

Part 350. Rules for Income Tax Credit for Retired Law Enforcement Officers Who Work Cold Cases

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Rule 3. Effective Date

These Rules shall be effective on and after January 1, 2022."

Subpart 1. Generally

26 CAR § 350-101. Title.

This part shall be known as the "Rules for Income Tax Credit for Retired Law Enforcement Officers Who Work Cold Cases".

Authority. Arkansas Code § 26-51-515.

26 CAR § 350-102. Scope.

This part applies to the administration of Division of Arkansas State Police cold case investigations by retired law enforcement officers in exchange for an income tax credit pursuant to Acts 2021, No. 841, codified at Arkansas Code § 26-51-515.

Authority. Arkansas Code § 26-51-515.

26 CAR § 350-103. Definitions.

As used in this part:

(1)(A) "Cold case" means any case in which the probative investigative leads have been exhausted.

(B) These cases primarily focus on unresolved death and missing persons cases;

(2) "Eligibility certificate" means a certificate issued to an investigator containing the number of hours worked;

(3) "Good standing" means a law enforcement officer:

(A) Not having been:

(i) Decertified;

(ii) Terminated for cause; or

(iii) Retired while they were the subject of a pending disciplinary action or internal affairs investigation;

(B) Having no administrative finding for untruthfulness; and

(C) Having no patterns of adverse job actions; and

(4) "Investigator" means a retired law enforcement officer, including retired prosecutors, who volunteers or works for the Division of Arkansas State Police Cold Case Squad in an investigative capacity, pursuant to other rules included herein.

Authority. Arkansas Code § 26-51-515.

26 CAR § 350-104. Eligibility.

A Cold Case Investigator, any retired law enforcement officer who volunteers or works for the Division of Arkansas State Police Cold Case Squad as an investigator under this part, must satisfy the following requirements:

(1) Former law enforcement officer who retired in good standing;

(2) Not decertified as a law enforcement officer by any state;

(3) Minimum five (5) years of criminal investigative experience;

(4) Consent to and successfully pass a criminal background investigation and drug screen; and

(5) Sign a nondisclosure agreement regarding the information he or she may obtain while volunteering or working for the Cold Case Squad.

Authority. Arkansas Code § 26-51-515.

26 CAR § 350-105. Income tax credit.

(a) An investigator who volunteers or works for the Division of Arkansas State Police Cold Case Squad under this part is entitled to an income tax credit up to three thousand five hundred dollars (\$3,500), subject to limitations contained herein.

(b) An investigator who works or volunteers for one thousand (1,000) hours on one (1) or more cold cases will be eligible for the full amount of the income tax credit.

(c) Investigators who log fewer than one thousand (1,000) hours will receive a pro rata share of the income tax credit according to the number of hours worked.

(d) The amount of tax credit claimed by an individual in a year may not exceed the amount of tax due by the taxpayer in that year, and any unused portion earned may be carried forward for two (2) consecutive years following the year in which it was earned.

Authority. Arkansas Code § 26-51-515.

26 CAR § 350-106. Time calculations.

(a) Whether volunteering or working as a paid employee for the Division of Arkansas State Police Cold Case Squad, investigators shall enter time spent investigating one (1) or more cold cases on behalf of the Division of Arkansas State Police pursuant to Office of Personnel Management guidelines and the Department of Public Safety Human Resources Division's instructions.

(b) All time properly logged in accordance with this section will be recorded by the division and attributed to the investigator to allow for issuance of an eligibility certificate.

Authority. Arkansas Code § 26-51-515.

26 CAR § 350-107. Eligibility certificate.

(a) Upon request, the Division of Arkansas State Police shall prepare and issue an eligibility certificate to the investigator detailing the number of hours spent investigating one (1) or more cold cases on behalf of the division in any tax year.

(b)(1) The division may only issue eligibility certificates up to a total of twenty-five thousand dollars (\$25,000) in each fiscal year.

(2) Certificates will be issued on a first-come, first-served basis.

(c) The investigator must attach the certificate to the investigator's income tax return for the tax year in which the credit is claimed.

(d) The amount of the income tax credit shall not exceed the amount of income tax due by the investigator in a calendar year.

(e) The certificate must include the following information:

(1) The taxpayer's name and Social Security number;

(2) The date of issuance;

(3) The amount of credit, including the pro rata share;

(4) The year to which the tax credit applies;

(5) The file number; and

(6) A statement indicating carry-forward for two (2) years following the tax year in which the tax credit was earned.

Authority. Arkansas Code § 26-51-515.

26 CAR § 350-108. Coordination with the Department of Finance and Administration.

The Division of Arkansas State Police will provide a copy of each eligibility certificate upon issuance to the Tax Credits/Special Refunds Section of the Department of Finance and Administration.

Authority. Arkansas Code § 26-51-515.