

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1614

5 By: Representative Hawks
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For An Act To Be Entitled

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

11 TO CREATE A BILL OF RIGHTS FOR MUNICIPAL
12 FIREFIGHTERS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 14, Chapter 53, Subchapter 1, is
20 amended to add an additional section to read as follows:

21 14-53-113. Municipal firefighter bill of rights – Legislative intent.

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

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

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

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

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

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

34 (b)(1) A municipal fire department shall enact policies and procedures
35 consistent with accepted fire industry standards and provide a copy of the
36 policies and procedures to each municipal firefighter.



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

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

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

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

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

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

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

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

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

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

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

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