

1 State of Arkansas As Engrossed: H3/14/19 H3/29/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1614

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5 By: Representative Hawks

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For An Act To Be Entitled

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

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Subtitle

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TO CREATE A BILL OF RIGHTS FOR MUNICIPAL
14 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 the day-to-day operation of a municipal fire
26 department;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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/s/Hawks