



## STATE OF ARKANSAS

### DEATH BENEFITS

**IMPORTANT NOTICE:** Both Federal and State death benefits MAY be tax exempt.

**The IRS Code of the United States states that:**

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

(A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and

(B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

(A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;

(B) The officer was voluntarily intoxicated at the time of death;

(C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death

(D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer

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To obtain certified copies of registered personal documents, contact Vital Records, Department of Health, 4815 W. Markham Street, Little Rock, AR 72205, (501)661-2336.

## STATE DEATH BENEFITS

### PAYMENT OF CLAIMS TO CERTAIN INJURED WORKERS OR THEIR SURVIVORS

Section 21-5-704.

- A. The state shall pay to the spouse or surviving children of any police officer who is killed in official line of duty, **the sum of fifty thousand dollars (\$50,000)**. **Contact: State Claims Commission, 101 E. Capitol Avenue, Suite #410, Little Rock, AR 72201-3823, phone (501) 682-1619.**
- B. In addition thereto, **the municipality** which employed the police officer shall, upon certification of the amount by the police department, pay to the spouse or surviving children of the deceased police officer an allowance for all sick leave, vacation, or other leave time accumulated to the credit of the police officer at the time of his/her death. **Contact your agency's Benefits Assistance Officer.**

### PAYMENT OF CLAIM TO SURVIVORS OF CERTAIN OFFICERS KILLED ON DUTY- FUNDS

Section 21-5-705(a).

- A. The state shall pay to the spouse or surviving children of any police officer, whose death occurred in the official line of duty and was the result of a criminal act of another person or persons **the additional sum of one hundred fifty thousand dollars. (\$150,000)**.
- B. The benefits shall be paid **totally from state funds** appropriated therefore.
- C. The additional benefits provided in this section shall be paid to the spouse or surviving children in **three (3) equal annual payments**, the first of which shall be paid in the month of July following the date of the original order of the State Claims Commission establishing entitlement to additional payments and annually thereafter.
- D. Determination for eligibility for the additional payments provided in this section shall be made by the **State Claims Commission** in accordance with commission rules and procedures. **See address above.**

Section 21-5-705(b)

The state shall pay to the surviving spouse or surviving children under the age of twenty-two, if the officer was wearing his vest at the time of the incident and it was in the official line of duty as the result of criminal action of another person(s), an additional sum of twenty five thousand dollars (\$25,000). Contact the Arkansas State Claims Commission at (501) 682-1619.

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In the state of Arkansas and as used in this text, 21-5-701 **“Police Officer”** means:

- A. Any law enforcement officer, engaged in official duty, who is a member of any regular or auxiliary police force, on a full- or part-time basis, or the Arkansas State Police;
- B. A sheriff or deputy sheriff of any city of the first or second class who is engaged in official duty;
- C. Any constable or night marshal of any town of this state engaged in official duty.

## **Arkansas State Police Commission Benefit**

ACA 12-8-212

When any State police officer loses his or her life in the course of employment the Arkansas State Police Commission , with satisfactory proof of that fact, a death benefit in the sum of twenty-five thousand dollars (\$25,000) shall be paid to the spouse or in the case no spouse survives , the death benefit shall be distributed equally among the officer’s children.

## **STATE PENSION BENEFITS**

### **State Police Retirement**

If a member has **at least five (5) years credited service**, with credit for the year immediately preceding death, monthly benefits can be payable to his or her spouse, dependent children or dependent parents either immediately or at some future date. **Contact Arkansas State Police Commission, PO Box 5901, Little Rock, AR 72215.**

## **STATE EDUCATIONAL BENEFITS**

State of Arkansas - Act 190 of 1989.

6-82-503. Entitlement.

These benefits are awarded by the State Claims Commission and administered by the Arkansas State Department of Higher Education. Eligible spouses and children are entitled to tuition, rooms and mandatory fees for an eight semester (8) scholarship without cost, exclusive of books, food, school supplies, materials and dues for fees for extracurricular activities at any state supported college or university of their choice within the state. For the award the contact information is the same as above for the Claims Commission. For administration of the program the contact is Ms. June Morgan at (501) 371-2058.

6-82-505. Limits for scholarship.

- A. No child will be entitled to receive benefits under this subchapter during any semester or quarter when the child has reached **the age of twenty-three (23) years** on or before the first day of the semester or quarter.
- B. No spouse will be eligible for the education benefit if he or she remarries. The benefit will cease at the end of the semester at which the spouse is currently enrolled at the time of the marriage. **Scholarships are awarded by the State Claims Commission at the address**

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**above and administered by the Arkansas State Department of Higher Education, 114 E. Capitol Avenue, Little Rock, AR 72201.**

## **HEALTH BENEFITS**

Varied depending upon police department benefits. **Check with your agency's Benefits Assistance Officer.**

## **WORKERS' COMPENSATION**

Workers' Compensation coverage is compulsory for employers in Arkansas; however, employers with fewer than 3 employees are exempt.

A spouse receives **35% of the employee's wage** and a spouse and child(ren) receive **66 2/3% of the employee's wage**, with a **minimum weekly benefit of \$20** and a **maximum weekly benefit of \$267**. There is also a **maximum burial allowance of \$6,000**.

Spouse receives a **2-year lump sum upon remarriage** and weekly benefits cease. Children receive benefits until age 18 or married. Children receive benefits beyond 18 if physically or mentally disabled, or until age 25 if full-time students.

To receive workers' compensation benefits, the surviving spouse **must take the initiative** and file a workers compensation claim through a workers' compensation attorney to receive any compensation.

**Contact the Workers' Compensation Commission at 324 Spring Street, PO Box 950, Little Rock, AR 72203, telephone (501) 682-3930.**

## **Retirement**

Contact the Arkansas State Police Retirement System, 124 West Capitol AVE Suite 400, Little Rock, AR 72201 or by phone (501) 682-7800.

## **PERSONAL LIFE POLICY - INTESTATE**

"Heritable estate" is intestate's real and personal property after provision for dower, curtesy, homestead rights and statutory right and allowance of surviving spouse and minor children, refund on joint Federal income tax returns, and administration of estate, if any. (28-9-206). "Heritable estate" passes as follows (each class with living members taking to exclusion of subsequent classes to intestate's): (1) Surviving children and descendants of deceased children; (2) surviving spouse, but if married to intestate less than three years at death, surviving spouse takes only 50%, other 50% passing as if spouse had not survived in intestate; (3) surviving parents, sharing equally, or to sole surviving parent if only one living; (4) brothers and sisters and descendants of deceased brothers and sisters; (5) surviving

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grandparents, uncles, and aunts, and descendants of deceased uncles and aunts; (6) surviving great-grandparents, great uncles, and great aunts; (7) surviving spouse, even if married to intestate less than three years; (8) heirs of deceased spouse if marriage not ended by divorce; and (9) county wherein deceased resided at death. (28-9-214-215).

Where persons entitled to take are all of same degree of kindred to decedent they take per capita; otherwise they take per stirpes. (28-9-204)

**Surviving Spouse** - Where intestate leaves no descendants and has been continuously married not less than three years before death, surviving spouse takes all and if continuously married **less than three years before death**, then only 50%. (28-9-213).

## **JURISDICTION OF STATE CLAIMS COMMISSION**

Section 21-5-702.

- A. The State Claims Commission is vested with exclusive jurisdiction to administer claims filed against the state under this subchapter.
- B. The State Claims Commission shall make a determination as to whether death was or was not in the official line of duty.

## **PEER SUPPORT ORGANIZATION**

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a “lifeline” to police survivors nationwide. **Contact the COPS National Office or visit [www.nationalcops.org/chap.htm](http://www.nationalcops.org/chap.htm) for information on a chapter in your area.**

## **Additional Benefits**

### **Southern States Police Benevolent Association, Inc.**

The PBA member’s beneficiary will receive their base salary for one if year they are killed accidentally or intentionally while performing their law enforcement duties (maximum payout: \$60,000). The beneficiary will receive \$5,000 if it is not an occupational death or if you are a retired or reserve member. Any active Southern States PBA member in good standing and dues current will receive this benefit. **Contact: Southern States Police Benevolent Association, Inc., 1900 Brannan Road, McDonough, GA 30253-4310, telephone 1-800-233-3506, or visit [www.sspba.org](http://www.sspba.org).**

### **The Taser Foundation**

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The Taser Foundation distributes financial memorial grants to the families of fallen officers in the United States and Canada. Grants are available only upon requests by the chiefs of police, sheriff, or superintendent in the name of the officers killed in the line of duty since August 1, 2004. The Foundation will send the surviving family members a check after that agency faxes a form verifying the line of duty death. Contact: The Taser Foundation at 7860 East McClain DR, Ste 2 Scottsdale, AZ 85260 or by phone (480) 905-1627.

### **The Police & Fire Trust Fund**

Donations for expenses family members incur such as airfare and lodging contact Mr. Allen Gibson (501) 748-1030.

### **FUNERAL AND CREMATION BENEFITS**

Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information @ [www.dignitymemorial.com](http://www.dignitymemorial.com) and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.