

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Public Safety

Department Arkansas State Police

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Statutory Authority for Promulgating Rules ACA 26-51-515

Rule Title: Income Tax Credit for Retired Law Enforcement Officers Investigating Cold Cases for ASP

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

01/23/2022

02/22/2022

04/20/2022

04/20/2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Joan Shipley joan.shipley@asp.arkansas.gov

04/26/2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Joan Shipley
Signature

501-618-8632

Phone Number

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E-mail Address

Attorney, Department of Public Safety

Title

04/26/2022

Date

INCOME TAX CREDIT FOR RETIRED LAW ENFORCEMENT OFFICERS WORKING COLD CASES

Rule 1. Title

These Rules shall be known as the “Rules for Income Tax Credit for Retired Law Enforcement Officers who Work Cold Cases.”

Rule 2. Scope

These Rules apply to the administration of Arkansas State Police (ASP) cold case investigations by retired law enforcement officers in exchange for an income tax credit pursuant to Act 841 of 2021, codified at Ark. Code Ann. § 26-51-515.

Rule 3. Effective Date

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

Rule 4. Definitions

- a. “Cold Case” – any case in which the probative investigative leads have been exhausted.
These cases primarily focus on unresolved death and missing persons cases.
- b. “Eligibility Certificate” – a certificate issued to an investigator containing the number of hours worked *****
- c. “Good-standing” – a law enforcement officer not having been not decertified, terminated for cause, or retired while they were the subject of a pending disciplinary action or internal affairs investigation, having no administrative finding for untruthfulness, and no patterns of adverse job actions;
- d. “Investigator” – a retired law enforcement officer, including retired prosecutors, who volunteers or works for the ASP Cold Case Squad in an investigative capacity, pursuant to other rules included herein.

Rule 5. Eligibility

A Cold Case Investigator is any retired law enforcement officer who volunteers or works for the ASP Cold Case Squad as an Investigator under these Rules must satisfy the following requirements:

- a. Former law enforcement officer who retired in good standing;
- b. Not decertified as a law enforcement officer by any state;
- c. Minimum five (5) years of criminal investigative experience;
- d. Consent to and successfully pass a criminal background investigation and drug screen;
and,
- e. Sign a non-disclosure agreement regarding the information he or she may obtain while volunteering or working for the ASP Cold Case Squad.

Rule 6. Income Tax Credit

An Investigator who volunteers or works for the ASP Cold Case Squad under these Rules is entitled to an income tax credit up to three thousand five hundred dollars (\$3,500). An Investigator who works or volunteers for one thousand (1000) hours on one (1) or more cold cases will be eligible for the full amount of the income tax credit. Investigators who log fewer than one thousand (1000) hours will receive a pro-rata share of the income tax credit according to the number of hours worked. 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.

Rule 7. Time Calculations

Whether volunteering or working as a paid employee for the ASP Cold Case Squad, Investigators shall enter time spent investigating one (1) or more cold cases on behalf of the Division pursuant to OPM guidelines and the Department of Public Safety Human Resources Division's instructions. All time properly logged in accordance with this Rule will be recorded by ASP and attributed to the Investigator to allow for issuance of an eligibility certificate.

Rule 8. Eligibility Certificate

Upon request, ASP 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. The Division will issue certificates on a first-come, first-served basis up to a total of \$25,000 in a fiscal year. [Per DFA – the certificate shall include....]