

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Hoofman**

A Bill

ACT 202 OF 1995
SENATE BILL 181

For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE AGENCY TRANSFER OF FORFEITED WEAPONS
9 AND AMMUNITION AND THE PRIVATE DONATION OF WEAPONS AND
10 AMMUNITION TO THE STATE CRIME LABORATORY TO BE USED FOR
11 TESTING, TRAINING AND OTHER APPROPRIATE PURPOSES; AND FOR
12 OTHER PURPOSES."

Subtitle

15 "RELATING TO THE TRANSFER OF WEAPONS AND
16 AMMUNITION TO THE STATE CRIME
17 LABORATORY."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Chapter 5 of Title 5 of the Arkansas Code is amended by
22 adding at the end thereof a new subchapter to read as follows:

23 "5-5-401. Definitions.

24 As used in this subchapter:

25 (a) Weapon means any firearm, bomb, explosive, metal knuckles, sword,
26 spear, or other device employed as an instrument of crime by subjecting
27 another to physical harm or fear of physical harm.

28 (b) State Crime Lab means the State Crime Laboratory provided for in
29 subchapter 3 of Chapter 12 of Title 12 of the Arkansas Code.

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31 5-5-402. Notwithstanding any other provisions of this Chapter, weapons
32 and ammunition seized by any agency of the State of Arkansas or any local law
33 enforcement agency in the State, and which are forfeited pursuant to law, may
34 be transferred to the State Crime Lab. Provided, no transfer of weapons shall
35 be made pursuant to this section until there is a final determination
36 concerning the disposition of such weapons and ammunition *by the court having*

1 *jurisdiction over such property.*

2 In addition to the forfeited weapons and ammunition, any other weapons
3 or ammunition held by agencies of the State and local law enforcement agencies
4 for which the agencies have no use may be transferred to the State Crime Lab
5 under the procedures prescribed in this subchapter.

6 Nothing contained in this subchapter shall be construed to preclude
7 other voluntary transfers to the State Crime Lab by individuals, entities, or
8 agencies of the United States Government.

9

10 5-5-403. The State Crime Lab is hereby authorized to receive weapons and
11 ammunition pursuant to this subchapter and to use such weapons and ammunition
12 for testing, training, data compilation or such other appropriate purposes as
13 shall be determined by the Executive Director.

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15 5-5-404. (a) When any weapon or ammunition is transferred and
16 delivered to the State Crime Lab, the State Crime Lab shall provide a receipt
17 to be signed by the transferrer or donor and the State Crime Lab officer or
18 employee accepting the weapon or ammunition. The receipt shall contain the
19 following information:

20 (1) a list of the weapons by type, make, and caliber; and

21 (2) serial numbers of the weapons, where available; and

22 (3) the case number in which the weapons were involved, where
23 available; and

24 (4) the type, caliber, and make of ammunition, where available.

25 (b) A copy of the receipt shall be retained by the State Crime Lab and
26 a copy thereof shall be delivered to the agency, individual or other entity
27 transferring or donating the weapons or ammunition.

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29 5-5-405. When the Executive Director of the State Crime Lab determines
30 that any weapons or ammunition transferred or donated pursuant to the
31 provisions of this subchapter are no longer useful to the State Crime Lab, the
32 weapons, pieces of weapons, and ammunition shall be destroyed."

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34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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12 SECTION 5. EMERGENCY. It is hereby found and determined by the General
13 Assembly that there exists a shortage of test weapons and ammunition to be
14 used by the State Crime Lab for use in solving crime; that the shortage
15 extends to type and caliber of weapons and ammunition not currently available
16 to the State Crime Lab; that the State Crime Lab is in need of weapons for
17 testing purposes; that crimes involving weapons are increasing in occurrence
18 and violence; that the diversity of weapons used in the commission of crimes
19 is significantly greater than the current inventory of test weapons and
20 ammunition. Therefore, in order to enable the Crime Lab to fully assist law
21 enforcement in solving crime, proving evidence, and training of firearms and
22 weapons experts, an emergency is hereby declared to exist and this act being
23 necessary for the preservation of the public peace, health and safety shall be
24 in full force and effect from and after its passage and approval.

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/s/Hoofman

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APPROVED: 2-9-95

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As Engrossed: 1/24/95

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