

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

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### Subtitle of House Bill No. 1801

"AN ACT CREATING THE STATE DRUG CRIME ENFORCEMENT AND PROSECUTION  
GRANT FUND."

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### Amendment No. 1 to House Bill No. 1801.

Amend House Bill No. 1801 as originally introduced:

Add Senators Laverty and Womack as cosponsors of the bill

AND

Delete everything following the enacting clause and substitute the following:  
"SECTION 1. Arkansas Code Title 12 is amended to add an additional  
chapter to read as follows:

12-17-101. Definitions.

As used in this chapter:

(1) "Drug crime" means a misdemeanor or felony criminal offense  
prosecuted in district court or circuit court that violates:

(A) Any provision of the Uniform Controlled Substances  
Act, § 5-64-401 et seq., or any solicitation, attempt, or conspiracy to  
violate the Uniform Controlled Substances Act;

(B) Any criminal violation of state law, or any  
solicitation, attempt, or conspiracy to violate state law, committed for the  
purpose of unlawfully acquiring, obtaining, manufacturing, purchasing,  
procuring, possessing, distributing, delivering, shipping, or transporting  
controlled substances, prescription drugs, drug paraphernalia, or precursor  
chemicals or components used to manufacture controlled substances;

(C) Any criminal violation of state or federal law, or any  
solicitation, attempt, or conspiracy to violate state or federal law  
involving the use or possession of any fraudulent, falsified, forged, or  
altered identification card or document evidencing the identity of an  
individual, issued or purportedly issued by any state, federal, or foreign  
government, for the purpose of unlawfully acquiring, obtaining,  
manufacturing, purchasing, procuring, possessing, distributing, delivering,  
shipping or transporting controlled substances, prescription drugs, drug  
paraphernalia, precursor chemicals or components used to manufacture  
controlled substances;

(D) Any criminal violation of state or federal law, or any  
solicitation, attempt, or conspiracy to violate state or federal law, for the



purpose of committing any act which constitutes money laundering, as defined by § 5-42-204, of proceeds and profits related to violations of the Uniform Controlled Substances Act, § 5-64-401 et seq.; or

(E) Any criminal violation of state or federal law or any solicitation, attempt, or conspiracy thereof, involving any firearm, deadly weapon, or explosive device used, or possessed with intent to use:

(i) To enforce or facilitate any criminal act defined under the Uniform Controlled Substances Act, § 5-64-401 et seq.; or

(ii) To commit a criminal offense defined by Arkansas law which intimidates, threatens, injures, maims, or kills any law enforcement officer, prosecutor, judicial officer, or any other court official, witness, informant, or juror, involved in the investigation or prosecution of any violation of the Uniform Controlled Substances Act, § 5-64-401 et seq.;

(2) "Investigate" means any law enforcement activities directed toward drug crimes, including without limitation prevention, eradication, investigation, and interdiction;

(3) "Law enforcement agency" means:

(A) Any sheriff's office of any county in this state;

(B) Any municipal police department of an organized city or town within this state; and

(C) The Department of the Arkansas State Police;

(4) "Multi-jurisdictional drug crime task force" means an association consisting of a minimum of two (2) law enforcement agencies and one (1) prosecuting attorney acting by agreement to jointly investigate and prosecute drug crimes in a defined geographic area or judicial district; and

(5) "Prosecuting attorney" means the elected prosecuting attorney for any judicial district, including without limitation appointed deputies and investigators.

12-17-102. State Drug Crime Enforcement and Prosecution Grant Fund established.

(a) There is hereby established and created on the books of the Chief Fiscal Officer of the State, Treasurer of State, and Auditor of State a special revenue fund to be known as the State Drug Crime Enforcement and Prosecution Grant Fund for the purpose of funding state grant awards for multi-jurisdictional drug crime task forces to investigate and prosecute drug crimes within the State of Arkansas.

(b) The fund shall consist of:

(1) Revenues generated under § 12-17-106; and

(2) Any moneys authorized by the General Assembly.

12-17-103. Grant application and administration process.

(a) The Department of Finance and Administration shall develop and promulgate grant applications under this chapter and upon the recommendations of the Arkansas Alcohol and Drug Abuse Coordinating Council.

(b) The department shall administer all grant awards and expenditures under this chapter by the multi-jurisdictional drug crime task forces under applicable state and federal law.

12-17-104. Determination of grant awards.

The Arkansas Alcohol and Drug Abuse Coordinating Council shall:

- (1) Develop and promulgate by rule criteria for the grant applications and awards process under this chapter;
- (2) Review all grant applications under this chapter;
- (3) Determine which applicant or applicants should receive grant awards under this chapter; and
- (4) Retain oversight of all grant expenditures under this chapter.

12-17-105. Matching funds.

(a) Any multi-jurisdictional drug crime task force receiving a grant award under this chapter shall contribute local matching funds in an amount not less than twenty percent (20%) of the total grant award.

(b) The source of local matching funds shall be from county or municipal general revenue appropriations or authorized drug control fund disbursements of any participating multi-jurisdictional drug crime task force member agency.

(c) The Department of Finance and Administration shall restrict distribution of any grant award to a drug crime task force if it is determined that local matching funds are not appropriated or available.

12-17-106. Drug crime special assessment.

(a) There is hereby established a drug crime special assessment to be levied by the district court or circuit courts of this State in the sum of one hundred twenty-five dollars (\$125) against any person who is convicted of, or enters a plea of guilty or nolo contendere to, any felony or misdemeanor offense the court determines to be a drug crime.

(b) The special assessment shall be collected by the entity or office designated to collect fines and costs within the jurisdiction.

(c) All special assessments collected shall be paid to the treasurer of the applicable city or county and transmitted to the Department of Finance and Administration for deposit into the State Drug Crime Enforcement and Prosecution Grant Fund.

12-17-107. Specific use of grant awards.

(a) Grant awards under this chapter shall be used specifically for:

- (1) Salaries;
- (2) Personal services matching;
- (3) Overtime;
- (4) Maintenance and general operations;
- (5) Evidentiary purchases of controlled substances or information;
- (6) Informant and witness compensation;
- (7) Rent;
- (8) Utilities;
- (9) Telecommunications;
- (10) Fuel;
- (11) Vehicle maintenance and repair;
- (12) In-state training; and
- (13) Travel expenses.

(b) Each grant award shall specifically provide for accounting and fiscal officer services.

(c) No grant awards shall be used for capital outlay or equipment

purchases that exceed a cost of one thousand five hundred dollars (\$1,500) per item.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that law enforcement officials throughout the state require increased resources to combat drug crimes; that this act provides needed financial relief and will escalate efforts throughout the state to prevent the use and spread of drugs; and that this act should become effective as soon as possible to effectuate its intent. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

The Amendment was read \_\_\_\_\_

By: Representative Wells

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Chief Clerk