

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 261

CONCERNING THE DISPOSITION OF SEIZED PROPERTY.

Amendment No. 1 to Senate Bill No. 261

Amend Senate Bill No. 261 as originally introduced:

Add Representative Love as a cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-73-110 is amended to read as follows:
5-73-110. Disarming minors and mentally defective or irresponsible persons – Disposition of property seized.

(a) Subject to constitutional limitation, nothing in this section and §§ 5-73-101 – 5-73-109 shall be construed to prohibit a law enforcement officer from disarming, without arresting, a minor or person who reasonably appears to be mentally defective or otherwise mentally irresponsible, when that person is in possession of a deadly weapon.

(b) Property seized ~~pursuant to~~ under subsection (a) of this section ~~may shall~~ be:

~~(1) Returned to the parent, guardian, or other person entrusted with care and supervision of the person so disarmed; or~~

~~(2) Delivered to the custody of a court having jurisdiction to try criminal offenses, in which case the court shall:~~

~~(A) Treat the property as contraband under §§ 5-5-101 and 5-5-102; or~~

~~(B) Issue an order requiring that at a certain time the parent, guardian, or person entrusted with the care and supervision of the person disarmed show cause why the seized property should not be so treated.~~

~~(c) Notice of the show cause proceedings may be given in the manner provided for service of criminal summons under Rule 6.3 of Arkansas Rules of Criminal Procedure.~~

(1) Held for seventy-two (72) hours by the law enforcement agency employing the law enforcement officer that seized the property; and

(2) After the seventy-two-hour hold, returned to the lawful owner upon request and after the lawful owner presents a valid proof-of-ownership."



The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Hutchinson

BPG/LNS - 02-25-2015 11:06:38

BPG344

Secretary