

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Bennett**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-5-204 RELATING TO THE
9 DISPOSITION OF PROCEEDS DERIVED FROM THE SALE OF MOTOR
10 VEHICLES AND OTHER CONVEYANCES SEIZED FOR USE IN
11 COMMISSION OF CERTAIN CRIMINAL OFFENSES; AND FOR OTHER
12 PURPOSES."

Subtitle

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15 "DISPOSITION OF PROCEEDS FROM SALE OF SEIZED CONVEYANCES."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code 5-5-204 is amended to read as follows:

20 "5-5-204. Use or sale of conveyances - Disposition of sale proceeds.

21 Upon conviction, when the circuit court having jurisdiction over the
22 conveyance seized finds upon a hearing by a preponderance of the evidence that
23 grounds for a forfeiture exist under this subchapter, the court shall enter an
24 order to:

25 (1) Permit the law enforcement agency or the prosecuting attorney for
26 the judicial circuit in which the conveyance was seized to retain the
27 conveyance for official use; or

28 (2) Permit the law enforcement agency to sell the conveyance at a
29 public or private sale. In the event of a sale, the court shall provide by
30 order that the proceeds be used for payment of all proper expenses of the
31 proceedings for forfeiture and sale, including expenses of investigation,
32 seizure, maintenance of custody, advertising, and court costs. All proceeds
33 from the sale of forfeited conveyances under this subchapter in excess of
34 proper expenses shall be distributed as follows:

35 (A) Forty percent (40%) to the prosecuting attorney_s office of the

1 county responsible for the prosecution of the forfeiture;

2 (B) Forty percent (40%) to the law enforcement agency which perfected
3 the arrest, provided that if a federal agency perfected the arrest this forty
4 percent (40%) shall be distributed to the county sheriff's office of the
5 county responsible for the prosecution;

6 (C) Twenty percent (20%) to the county sheriff's office of the county
7 responsible for the prosecution."
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9 SECTION 2. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.
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13 SECTION 3. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.
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19 SECTION 4. All laws and parts of laws in conflict with this act are
20 hereby repealed.
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