1	State of Arkansas	A Bill		
2	88th General Assembly	A DIII		
3	Regular Session, 2011		SENATE BILL 637	
4				
5	By: Senator Files			
6	-	For An Act To Be Entitled		
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8	AN ACT REGARDING THE FORFEITURE OF CONVEYANCES AND			
9	THE RESTITUTION TO VICTIMS OF CERTAIN CRIMES; AND FOR			
10	OTHER PURPOSES.			
11 12				
12		Subtitle		
14	REGARDING THE FORFEITURE OF CONVEYANCES			
15	AND THE RESTITUTION TO VICTIMS OF CERTAIN			
16	CRIMES.			
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19	BE IT ENACTED BY THE GENERA	AL ASSEMBLY OF THE STATE OF ARKANS	SAS:	
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21	SECTION 1. Arkansas	Code § 5-5-204 is amended to read	d as follows:	
22	5-5-204. Use or sale of conveyances — Disposition of sale proceeds.			
23	(a)(1) Upon conviction, when the circuit court having jurisdiction			
24	over the conveyance seized finds upon a hearing by a preponderance of the			
25	evidence that a ground for a forfeiture exists under this subchapter, the			
26	circuit court shall enter an order to: <u>to sell the conveyance with the</u>			
27	proceeds going to satisfy any outstanding restitution under § 5-4-205 owed to			
28	<u>a victim of an offense for</u>	which the conveyance was used.		
29	(2) If there i	<u>is not a victim of an offense owe</u>	<u>l</u> restitution	
30	under § 5-4-205, the court	shall enter an order to:		
31	(1) (A) Permit the law enforcement agency or the			
32	prosecuting attorney for the judicial district in which the conveyance was			
33	seized to retain the conveyance for official use; or			
34	(2)(A)(B)(i) Permit the law enforcement agency to sell the			
35	conveyance at a public or private sale.			
36	(B)	(ii) In the event of a sale, the	e circuit court	



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1 shall provide by order that the proceeds be used for payment of any proper 2 expense of the proceeding for forfeiture and sale, including expenses of: 3 (i)(a) Investigation; 4 (ii)(b) Seizure; 5 (iii)(c) Maintenance of custody; 6 (iv)(d) Advertising; and 7 (v)(e) Court costs. 8 (b) Any proceeds from the sale of a forfeited conveyance under this 9 subchapter subdivision (a)(2)(B) of this section, or if there was a victim of 10 an offense owed restitution under § 5-4-205, the proceeds remaining after the 11 satisfaction of the victim's restitution under § 5-4-205 in excess of a 12 proper expense shall be distributed as follows: 13 (1) Forty percent (40%) to be deposited into the State Treasury 14 as special revenues to the credit of the Department of Arkansas State Police 15 Fund; 16 (2)(A) Forty percent (40%) to the law enforcement agency that 17 perfected the arrest. 18 (B) However, if a federal agency perfected the arrest, the 19 forty percent (40%) under subdivision (b)(2)(A) of this section shall be 20 distributed to the county sheriff's office of the county responsible for the 21 prosecution; and 22 (3) Twenty percent (20%) to the county sheriff's office of the 23 county responsible for the prosecution. 24 25 26 27 28 29 30 31 32 33 34 35

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