

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Gordon**

**A BILL ACT 1050 OF 1991**  
**SENATE BILL 341**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 5-64-505 TO PROVIDE FOR  
9 ASSET SUBSTITUTION IN DRUG OFFENSE FORFEITURES; AND FOR  
10 OTHER PURPOSES."

11  
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13  
14 SECTION 1. Arkansas Code 5-64-505 is hereby amended by inserting  
15 additional subsections at the end thereof to read as follows:

16 "(m) The court shall order the forfeiture of any other property of a  
17 claimant or defendant up to the value of the claimant's or defendant's  
18 property found by the court to be subject to forfeiture under subsection (a)  
19 of this section if any of the forfeitable property had remained under the  
20 control or custody of the claimant or defendant and:

21 (1) Cannot be located;

22 (2) Was transferred or conveyed to, sold to, or deposited with a third  
23 party;

24 (3) Is beyond the jurisdiction of the court;

25 (4) Was substantially diminished in value while not in the actual  
26 physical custody of the seizing agency;

27 (5) Was commingled with other property that cannot be divided without  
28 difficulty; or

29 (6) Is subject to any interest exempted from forfeiture under this  
30 subchapter.

31  
32 SECTION 2. All provisions of this Act of a general and permanent nature  
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
34 Revision Commission shall incorporate the same in the Code.

35  
36 SECTION 3. If any provision of this Act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the Act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 Act are declared to be severable.

5

6 SECTION 4. All laws and parts of laws in conflict with this Act are  
7 hereby repealed.

8

9

*/s/Gordon*

10

11

APPROVED: 4-9-91

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34