

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

Act 135 of 2003  
HOUSE BILL 1185

5 By: Representatives Jacobs, Verkamp  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 5-5-101 TO ENSURE  
10 THAT PROPERTY SEIZED BY MUNICIPAL LAW ENFORCEMENT  
11 AGENCIES AND THE MONEYS GAINED THEREFROM ARE  
12 DEPOSITED IN THOSE CITY'S AND TOWN'S TREASURIES;  
13 AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO ENSURE THAT PROPERTY SEIZED BY  
17 MUNICIPAL LAW ENFORCEMENT AGENCIES AND  
18 THE MONEYS GAINED THEREFROM ARE  
19 DEPOSITED IN THOSE CITY'S AND TOWN'S  
20 TREASURIES.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 5-5-101 is amended to read as follows:

28 5-5-101. Disposition of contraband and seized property.

29 (a) All seized property shall be returned to the rightful owner or  
30 possessor thereof except contraband owned by a defendant.

31 (b) Contraband includes:

32 (1) Any article possessed under circumstances prohibited by law;

33 (2) Any weapon or other instrumentality used in the commission or  
34 attempted commission of a felony; and

35 (3) Any other article designated contraband by law.

36 (c) Contraband shall be destroyed, except that any article of



1 contraband capable of lawful use may in the discretion of the court having  
 2 jurisdiction be retained for use by the law enforcement agency responsible  
 3 for the arrest or sold, and the proceeds disposed of, in the manner provided  
 4 by subsections (e), (f), and (g) of this section.

5 (d) Unclaimed seized property shall be sold at public auction to be  
 6 held by ~~the sheriff of the county in which the seizure took place,~~ the chief  
 7 law enforcement officer of the county, city, or town law enforcement agency  
 8 having seized the property or the chief law enforcement officer's designee,  
 9 and the proceeds, less the cost of sale and any storage charges incurred in  
 10 preserving it, shall be paid into the general fund of the ~~county~~ county,  
 11 city, or town whose law enforcement agency performed the seizure.

12 (e) The time and place of sale of seized property shall be advertised  
 13 for at least fourteen (14) days next before the day of sale by posting  
 14 written notice at the courthouse door and by publication in the form of at  
 15 least two (2) insertions, at least three (3) days apart, before the day of  
 16 sale in a weekly or daily newspaper published or customarily distributed in  
 17 the county.

18 (f) All seized property to be sold at public sale shall be offered for  
 19 sale on the day for which it was advertised between 9:00 a.m. and 3:00 p.m.,  
 20 publicly, by auction, and for ready money. The highest bidder shall be the  
 21 purchaser.

22 (g) The proceeds from any sale of seized property shall be delivered to  
 23 the county, city, or town treasurer, as the case may be, to be held by him in  
 24 a separate account for a period of three (3) months. If, during this time,  
 25 any person establishes to the satisfaction of the treasurer that he was at  
 26 the time of sale the owner of any seized article sold as above provided, he  
 27 shall be paid the amount realized from sale of such property less the  
 28 expenses of the sale. All moneys in the separate account not claimed or paid  
 29 within the designated three-month period shall be paid into the general fund  
 30 of the county, city, or town whose law enforcement agency performed the  
 31 seizure.

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 34 APPROVED: 2/17/2003  
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