

1 State of Arkansas *As Engrossed: S2/26/15 H3/11/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

SENATE BILL 261

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5 By: Senator J. Hutchinson

6 *By: Representative Love*

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## For An Act To Be Entitled

9 AN ACT CONCERNING THE DISPOSITION OF SEIZED PROPERTY;  
10 AND FOR OTHER PURPOSES.

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## Subtitle

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CONCERNING THE DISPOSITION OF SEIZED  
15 PROPERTY.

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

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20 *SECTION 1. Arkansas Code § 5-73-110 is amended to read as follows:*

21 *5-73-110. Disarming minors and mentally defective or irresponsible*  
22 *persons – Disposition of property seized.*

23 *(a) Subject to constitutional limitation, nothing in this section and*  
24 *§§ 5-73-101 – 5-73-109 shall be construed to prohibit a law enforcement*  
25 *officer from disarming, without arresting, a minor or person who reasonably*  
26 *appears to be mentally defective or otherwise mentally irresponsible, when*  
27 *that person is in possession of a deadly weapon.*

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

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

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

34 *~~(A) Treat the property as contraband under §§ 5-5-101 and~~*  
35 *~~5-5-102; or~~*

36 *~~(B) Issue an order requiring that at a certain time the~~*



1 ~~parent, guardian, or person entrusted with the care and supervision of the~~  
2 ~~person disarmed show cause why the seized property should not be so treated.~~  
3 ~~(c) Notice of the show cause proceedings may be given in the manner~~  
4 ~~provided for service of criminal summons under Rule 6.3 of Arkansas Rules of~~  
5 ~~Criminal Procedure.~~

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

8 (2) After the seventy-two-hour hold and upon request and  
9 presentation of valid proof of ownership, returned to the:

10 (A) Owner, if he or she is eighteen (18) years of age or  
11 older and may lawfully possess the property; or

12 (B) Parent or legal guardian of the owner, if the owner is  
13 a minor, and the parent or legal guardian may lawfully possess the property.

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15 /s/J. Hutchinson  
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18 **APPROVED: 03/25/2015**  
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