

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.

Act 2245 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/24/05

A Bill

HOUSE BILL 2828

5 By: Representative Sumpter
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For An Act To Be Entitled

8
9 *AN ACT TO ALLOW A FORFEITED MOTOR VEHICLE TO BE*
10 *TRANSFERRED TO A SCHOOL DISTRICT FOR USE IN*
11 *DRIVER EDUCATION COURSES; AND FOR OTHER PURPOSES.*
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Subtitle

13
14 *TO ALLOW A FORFEITED MOTOR VEHICLE TO BE*
15 *TRANSFERRED TO A SCHOOL DISTRICT FOR USE*
16 *IN DRIVER EDUCATION COURSES.*
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code § 5-64-505(h)(1), concerning property subject*
23 *to forfeiture, procedures for forfeiture, and disposition of forfeited*
24 *property, is amended to add an additional subdivision to read as follows:*

25 *(1) When the circuit court having jurisdiction over the property*
26 *seized finds upon a hearing by a preponderance of the evidence that grounds*
27 *for a forfeiture exist under this chapter, the court shall enter an order:*

28 *(A) To permit the law enforcement agency or prosecuting*
29 *attorney to retain the property for law enforcement or prosecutorial*
30 *purposes, subject to the following provisions:*

31 *(i) Property may not be retained for official use*
32 *for more than two (2) years, unless the circuit court finds that the property*
33 *has been used for law enforcement or prosecutorial purposes and authorizes*
34 *continued use for such purposes on an annual basis. At the end of the period*
35 *of retention, the property shall be sold as provided in subdivision (h)(1)(B)*



1 of this section, and eighty percent (80%) of the proceeds shall be deposited
2 in the drug control fund of the retaining agency and twenty percent (20%) of
3 the proceeds shall be deposited into the State Treasury as special revenues
4 to be credited to the Crime Lab Equipment Fund. Nothing shall prohibit the
5 retaining agency from selling the retained property at any time during the
6 time allowed for retention, provided that the proceeds of such sale shall be
7 distributed as set forth in this paragraph;

8 (ii) If the circuit court determines that retained
9 property has been used for personal use or by non-law enforcement personnel
10 for non-law enforcement purposes, the court shall order the property to be
11 sold pursuant to the provisions of § 5-5-101(e) and (f), and the proceeds
12 shall be deposited into the State Treasury as special revenues to be credited
13 to the Crime Lab Equipment Fund;

14 (iii) Drug task forces may use forfeited property or
15 money, provided that the court's order specifies that the money or property
16 is forfeited to the prosecuting attorney, sheriff, chief of police, or
17 Arkansas State Police, or Arkansas Highway Police. The prosecuting attorney,
18 sheriff, chief of police, or Arkansas State Police, or Arkansas Highway
19 Police shall thereafter maintain an inventory of such property, shall be
20 accountable for such property, and shall be subject to the provisions of
21 subdivision (f)(5) of this section with respect to such property;

22 (iv) All aircraft shall be forfeited to the Office
23 of the Arkansas Drug Director and may only be used for drug eradication or
24 drug interdiction efforts, within the discretion of the Arkansas Drug
25 Director. However, if the Arkansas Alcohol and Drug Abuse Coordinating
26 Council determines that the aircraft should be sold, such sale shall be
27 conducted pursuant to the provisions of § 5-5-101(e) and (f), and the
28 proceeds of such sale shall be deposited in the Special State Assets
29 Forfeiture Fund;

30 (v) All firearms not retained for official use shall
31 be disposed of in accordance with state and federal law;

32 (vi) All controlled substances, plants, drug
33 paraphernalia, and counterfeit substances shall be destroyed pursuant to
34 court order;

35 (B) To sell that which is not required by law to be
36 destroyed and which is not harmful to the public. Such property shall be sold

1 at a public sale by the retaining agency, pursuant to the provisions of § 5-
2 5-101(e) and (f);

3 (C) To transfer a motor vehicle to a school district for
4 use in driver education courses;

5 /s/ Sumpter

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APPROVED: 4/13/2005

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