

ARKANSAS SENATE
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of Senate Bill 442

TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING; TO PROVIDE FOR
FORFEITURE OF ASSETS USED TO CONDUCT HUMAN TRAFFICKING; AND TO
CREATE THE OFFENSE OF HARBORING AN ENDANGERED RUNAWAY CHILD.

Amendment No. 1 to Senate Bill 442

Amend Senate Bill 442 as originally introduced:

Page 4, line 20, delete "transfer ral or" and substitute "transfer real or"

AND

Page 11, line 12, delete "the budget of" and substitute "the human
trafficking control fund of"

AND

Page 11, delete line 28, and substitute the following:

"(5)(A) A law enforcement agency may use seized personal
property or"

AND

Page 12, delete lines 20 through 36, and substitute the following:

5-5-609. Disposition of moneys received.

(a)(1) Subject to the provisions of § 5-5-606, the proceeds of sales
conducted pursuant to § 5-5-608 and any moneys forfeited or obtained by
judgment or settlement under this subchapter shall be deposited and



distributed in the manner set forth in this section.

(2) Moneys received from a federal forfeiture shall be deposited and distributed under subsection (f) of this section.

(b) The proceeds of any sale and any moneys forfeited or obtained by judgment or settlement under this subchapter shall be deposited into the asset forfeiture fund of the prosecuting attorney and is subject to the following provisions:

(1) During a calendar year, if the the aggregate amount of moneys deposited into the asset forfeiture fund exceeds twenty thousand dollars (\$20,000) per county, within fourteen (14) days of the time of the excess the prosecuting attorney shall notify the circuit judges in the judicial district and the Human Trafficking Coordinator;

(2) After the notification required under subdivision (b)(1) of this section, twenty percent (20%) of the proceeds of any additional sale and any additional moneys forfeited or obtained by judgment or settlement under this subchapter in the same calendar year shall be deposited into the State Treasury as special revenues to be credited to the Arkansas Human Trafficking Council Support Fund, and the remainder shall be deposited into the asset forfeiture fund of the prosecuting attorney;

(3) Failure of the prosecuting attorney to comply with the notification requirement under subdivision (b)(1) of this section renders the prosecuting attorney and any entity eligible to receive forfeited moneys or property from the prosecuting attorney ineligible to receive forfeited moneys or property, except as provided in § 5-5-606; and

(4) Twenty percent (20%) of any moneys in excess of twenty thousand dollars (\$20,000) that have been retained but not reported as required by subdivision (b)(1) of this section are subject to recovery for deposit into the State Treasury as special revenues to be credited to the Arkansas Human Trafficking Council Support Fund.

(c)(1) The prosecuting attorney shall administer expenditures from the asset forfeiture fund, which is subject to audit by Arkansas Legislative Audit.

(2) Moneys distributed from the asset forfeiture fund shall only be used for law enforcement and prosecutorial purposes and moneys in the asset forfeiture fund shall be distributed in the following order:

(A) For satisfaction of any bona fide security interest or

lien;

(B) For payment of any proper expense of the proceeding for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs;

(C) Any balance under two hundred fifty thousand dollars (\$250,000) shall be distributed proportionally to reflect generally the contribution of the appropriate local or state law enforcement or prosecutorial agency's participation in any activity that led to the seizure or forfeiture of the property or deposit of moneys under this subchapter; and

(D) Any balance over two hundred fifty thousand dollars (\$250,000) resulting from the seizure or forfeiture of property or deposit of moneys under this subchapter shall be forwarded to the Human Trafficking Coordinator to be transferred to the State Treasury for deposit into the Arkansas Human Trafficking Support Fund.

(d)(1) For a forfeiture in an amount greater than two hundred fifty thousand dollars (\$250,000) from which expenses are paid for a proceeding for forfeiture and sale under subdivision (c)(2)(B) of this section, an itemized accounting of the expenses shall be delivered to the Human Trafficking Coordinator within ten (10) calendar days after the payment of the expenses.

(2) The itemized accounting shall include the expenses paid, to whom paid, and for what purposes the expenses were paid.

(e)(1)(A) There is created on the books of each law enforcement agency and prosecuting attorney a human trafficking control fund.

(B) The human trafficking control fund shall consist of any moneys obtained under subsection (b) of this section and any other revenue as may be provided by law or ordinance.

(C) Moneys in the human trafficking control fund:

(i) May not supplant other local, state, or federal funds;

(ii) Are appropriated on a continuing basis and are not subject to the Revenue Stabilization Law, § 19-5-101 et seq.; and

(iii) Shall only be used for law enforcement and prosecutorial purposes, including without limitation to provide a grant of up to one thousand dollars (\$1,000) to the family of a law enforcement officer who dies in the prosecuting attorney's jurisdiction.

(D) The human trafficking control fund is subject to audit

by Arkansas Legislative Audit.

(2) A law enforcement agency and prosecuting attorney shall submit to the Human Trafficking Coordinator on or before January 1 and July 1 of each year a report detailing any moneys received and expenditure made from the human trafficking control fund during the preceding six-month period.

(f)(1) Any moneys received by a prosecuting attorney or law enforcement agency from a federal forfeiture shall be deposited and maintained in a separate account subject to the following provisions:

(A) Any balance over two hundred fifty thousand dollars (\$250,000) in the separate account shall be distributed as set forth in subdivision (f)(2) of this section;

(B) No other moneys maybe maintained in the separate account except for any interest income generated by the separate account;

(C) Moneys in the separate account shall only be used for law enforcement and prosecutorial purposes consistent with governing federal law; and

(D) The separate account is subject to audit by Arkansas Legislative Audit.

(2) Any balance over two hundred fifty thousand dollars (\$250,000) shall be forwarded to the Division of Arkansas State Police to be transferred to the State Treasury for deposit into the Human Trafficking Council Support Fund in which the balance shall be maintained separately and distributed consistent with governing federal law."

AND

Page 13, delete lines 1 through 35, and substitute the following:

"5-5-610. In personam proceedings."

AND

Page 15, delete line 20, and substitute the following:

"5-5-611. Forfeiture of absent, encumbered, or indivisible real or"

AND

Page 16, delete line 3, and substitute the following:

"5-5-612. Conviction required – Exceptions."

AND

Page 16, delete line 19, and substitute the following:

"under § 5-64-505 as specified in the Arkansas Rules of Civil Procedure;"

AND

Page 17, delete line 34, and substitute the following:

"minor for a period of at least seventy-two (72) hours."

AND

Page 18, delete line 11, and substitute the following:

"consent of his or her custodial parent, guardian, or legal custodian.

(e) It is an affirmative defense to prosecution under this section that a person acted in good faith to protect the welfare, safety, or health of the minor, and that he or she:

(1) Promptly notified law enforcement, child protective services, or another relevant authority upon discovering that the minor was an endangered runaway minor;

(2) Provided temporary care or shelter solely to protect the minor from imminent harm; or

(3) Did not have a purpose to interfere with the lawful custody or rights of a custodial parent or legal guardian of the minor."

AND

Page 25, delete line 11, and substitute the following:

"SECTION 19. Arkansas Code § 19-5-1252(b) concerning the Safe Harbor Fund for Sexually Exploited Children, is amended to read as follows:

(b) The fund shall consist of ~~finer collected under § 5-18-103(d), § 5-18-104(e), § 5-18-106(e), § 5-18-107(f), § 5-70-102(e), § 5-70-103(d), § 5-70-104(e), § 5-70-105(e), § 5-70-106(e), and § 5-70-107(e) and any other~~

general revenues as may be authorized by law.

SECTION 20. Arkansas Code § 19-5-1261 is repealed."

AND

Page 26, delete lines 35 and 36, and substitute the following:

"(d) As used in the section, "victim of human trafficking" means the same as defined in § 5-18-102."

AND

Page 27, delete lines 1 through 5

AND

Page 27, delete SECTION 21 in its entirety, and substitute the following:

"SECTION 21. DO NOT CODIFY. Temporary language.

(a) Any fund balance that remains in the Human Trafficking Victim Support Fund, § 19-5-1261, shall be transferred to the Arkansas Human Trafficking Council Support Fund.

(b) Any fund balance that remains in the Safe Harbor Fund for Sexually Exploited Children, § 19-5-1252, shall be transferred to the Arkansas Human Trafficking Council Support Fund."

AND

Appropriately renumber the sections of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator J. Bryant
CEB/CEB - 03-31-2025 12:07:30
CEB276 _____ Secretary