

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 1076

By: Representatives Hutchinson, Arrington, Newman, Glover, Fuller and Forgey

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 5, CHAPTER 64, SUBCHAPTER 5 TO PERMIT THE FORFEITURE OF VEHICLES OF PERSONS CONVICTED OF SIMPLE POSSESSION OF A CONTROLLED SUBSTANCE; AND FOR OTHER PURPOSES."

WHEREAS, it is the user who creates the demand for illegal drugs in our society; and

WHEREAS, those users should be held responsible for the role they play in the demise of our society as a result of illegal drugs use; and

WHEREAS, the user frequently utilizes a vehicle to transport or purchase drugs; and

WHEREAS, the forfeiture of such vehicle for simple possession may serve as a deterrant for those persons who are purchasing, transporting and using illegal drugs;

NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 5-64-505(a)(4) is hereby amended to read as follows:

"(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in subsection (1) or (2), but:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of subchapters 1-6 of this chapter;

(ii) No conveyance is subject to forfeiture under this section by

reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent and without the knowledge or consent of anyone having possession, care, or control of the conveyance with the owner's permission; and

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission."

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

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.