

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative McCuiston**

A Bill

HOUSE BILL 2023

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-5-101 TO PROVIDE THAT
9 WEAPONS USED IN THE COMMISSION OF A FELONY MAY BE RETAINED
10 BY THE APPROPRIATE LAW ENFORCEMENT AGENCY, DESTROYED, OR
11 SOLD; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Subsections (a) through (c) of Arkansas Code 5-5-101 are
16 hereby amended to read as follows:

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

19 (b) Contraband includes:

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

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

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

24 (c) Contraband shall be destroyed, except that any article of
25 contraband capable of lawful use may in the discretion of the court having
26 jurisdiction be retained for use by the law enforcement agency responsible for
27 the arrest or sold, and the proceeds disposed of, in the manner provided by
28 subsections (e), (f), and (g) of this section."

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

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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/s/ Lloyd McCuiston

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