

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.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 1801

4  
5 By: Representatives Wells, L. Evans, Rogers, Lovell, Lamoureux, George, Patterson, Gaskill, Burris,  
6 Overbey, Key, Woods, Pierce

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## For An Act To Be Entitled

10 AN ACT CREATING THE STATE DRUG CRIME ENFORCEMENT  
11 AND PROSECUTION GRANT FUND FOR THE PURPOSE OF  
12 CREATING AND FUNDING MULTI-JURISDICTIONAL DRUG  
13 CRIME TASK FORCES; AND FOR OTHER PURPOSES.

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## Subtitle

16 AN ACT CREATING THE STATE DRUG CRIME  
17 ENFORCEMENT AND PROSECUTION GRANT FUND.

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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 Title 12 is amended to add an additional  
23 chapter to read as follows:

24 12-17-101. Definitions.

25 As used in this act:

26 (1) "Drug crime" means a misdemeanor or felony criminal offense  
27 prosecuted in district or circuit court that violates:

28 (A) Any provision of the Uniform Controlled Substances  
29 Act, § 5-64-401 et seq., or any solicitation, attempt, or conspiracy to  
30 violate the Uniform Controlled Substances Act;

31 (B) Any criminal violation of state law, or any  
32 solicitation, attempt, or conspiracy to violate state law, committed for the  
33 purpose of unlawfully acquiring, obtaining, manufacturing, purchasing,  
34 procuring, possessing, distributing, delivering, shipping, or transporting  
35 controlled substances, prescription drugs, drug paraphernalia, or precursor  
36 chemicals or components used to manufacture controlled substances;



1                   (C) Any criminal violation of state or federal law, or any  
 2 solicitation, attempt, or conspiracy to violate state or federal law  
 3 involving the use or possession of any fraudulent, falsified, forged, or  
 4 altered identification card or document evidencing the identity of an  
 5 individual, issued or purportedly issued by any state, federal, or foreign  
 6 government, for the purpose of unlawfully acquiring, obtaining,  
 7 manufacturing, purchasing, procuring, possessing, distributing, delivering,  
 8 shipping or transporting controlled substances, prescription drugs, drug  
 9 paraphernalia, precursor chemicals or components used to manufacture  
 10 controlled substances;

11                   (D) Any criminal violation of state or federal law, or any  
 12 solicitation, attempt, or conspiracy to violate state or federal law, for the  
 13 purpose of committing any act which constitutes money laundering, as defined  
 14 by § 5-42-204, of proceeds and profits related to violations of the Uniform  
 15 Controlled Substances Act, § 5-64-401 et seq.; or

16                   (E) Any criminal violation of state or federal law, or any  
 17 solicitation, attempt, or conspiracy thereof, involving any firearm, deadly  
 18 weapon, or explosive device used, or possessed with intent to use:

19                   (i) To enforce or facilitate any criminal act  
 20 defined under the Uniform Controlled Substances Act, § 5-64-401 et seq.; or

21                   (ii) To commit a criminal offense defined by  
 22 Arkansas law which intimidates, threatens, injures, maims, or kills any law  
 23 enforcement officer, prosecutor, judicial officer, or any other court  
 24 official, witness, informant, or juror, involved in the investigation or  
 25 prosecution of any violation of the Uniform Controlled Substances Act, § 5-  
 26 64-401 et seq.;

27                   (2) “Investigate” means any law enforcement activities directed  
 28 toward drug crimes, including without limitation prevention, eradication,  
 29 investigation, and interdiction;

30                   (3) “Law enforcement agency” means:

31                   (A) Any sheriff’s office of any county in this State;

32                   (B) Any municipal police department of an organized city  
 33 or town within this state; and

34                   (C) The Department of the Arkansas State Police;

35                   (4) “Multi-jurisdictional drug crime task force” means an  
 36 association consisting of a minimum of two (2) law enforcement agencies and

1 one (1) prosecuting attorney acting by agreement to jointly investigate and  
2 prosecute drug crimes in a defined geographic area or judicial district; and

3 (5) "Prosecuting attorney" means the elected prosecuting  
4 attorney for any judicial district, including without limitation appointed  
5 deputies and investigators.

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7 12-17-102. State Drug Crime Enforcement and Prosecution Grant Fund  
8 established.

9 There is hereby established and created the State Drug Crime  
10 Enforcement and Prosecution Grant Fund for the purpose of funding state grant  
11 awards for multi-jurisdictional drug crime task forces to investigate and  
12 prosecute drug crimes within the State of Arkansas.

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14 12-17-103. Grant application and administration process.

15 (a) The Department of Finance and Administration shall develop and  
16 promulgate grant applications under state law and upon the recommendations of  
17 the Arkansas Alcohol and Drug Abuse Coordinating Council.

18 (b) The department shall administer all grant awards and expenditures  
19 by the drug crime task forces under applicable state and federal law.

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21 12-17-104. Determination of grant awards.

22 The Arkansas Alcohol and Drug Abuse Coordinating Council shall:

23 (1) Develop and promulgate by rule criteria for the grant  
24 applications and awards process;

25 (2) Review all grant applications;

26 (3) Determine which applicant or applicants should receive grant  
27 awards; and

28 (4) Retain oversight of all grant expenditures.

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30 12-17-105. Matching funds.

31 (a) Any multi-jurisdictional drug crime task force receiving a grant  
32 award under this chapter shall contribute local matching funds in an amount  
33 not less than twenty percent (20%) of the total grant award.

34 (b) The source of local matching funds shall be from county or  
35 municipal general revenue appropriations or authorized drug control fund  
36 disbursements of any participating drug crime task force member agency.

1           (c) The Department of Finance and Administration shall restrict  
 2 distribution of any grant award to a drug crime task force if it is  
 3 determined that local matching funds are not appropriated or available.

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 5           12-17-106. Drug crime special assessment.

6           (a) There is hereby established a drug crime special assessment to be  
 7 levied by the district court or circuit courts of this State in the sum of  
 8 one hundred twenty-five dollars (\$125) against any person who is convicted  
 9 of, or enters a plea of guilty or no contest, to any felony or misdemeanor  
 10 offense the court determines to be a drug crime.           (b) The assessment  
 11 shall be collected by the entity or office designated to collect fines and  
 12 costs within the jurisdiction.

13           (c) All special assessments collected shall be paid to the Treasurer  
 14 of the applicable city or county and transmitted to the Department of Finance  
 15 and Administration for disbursement to offset the costs associated with drug  
 16 crime investigation and prosecution within the State of Arkansas.

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 18           12-17-107. Specific use of grant awards.

19           (a) Grant awards under this chapter shall be used specifically for:

- 20                   (1) Salaries;
- 21                   (2) Personal services matching;
- 22                   (3) Overtime;
- 23                   (4) Maintenance and general operations;
- 24                   (5) Evidentiary purchases of controlled substances or  
 25 information;
- 26                   (6) Informant and witness compensation;
- 27                   (7) Rent;
- 28                   (8) Utilities;
- 29                   (9) Telecommunications;
- 30                   (10) Fuel;
- 31                   (11) Vehicle maintenance and repair;
- 32                   (12) In-state training; and
- 33                   (13) Travel expenses.

34           (b) Each grant award shall specifically provide for accounting and  
 35 fiscal officer services.

36           (c) No grant awards shall be used for capital outlay or equipment

1 purchases that exceed a cost of one thousand five hundred dollars (\$1,500)  
2 per item.

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