

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  
4

As Engrossed: H3/19/07

# A Bill

HOUSE BILL 1801

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

7 By: Senators Laverty, Womack  
8  
9

## For An Act To Be Entitled

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

## Subtitle

16 AN ACT CREATING THE STATE DRUG CRIME  
17 ENFORCEMENT AND PROSECUTION GRANT FUND.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 *SECTION 1. Arkansas Code Title 12 is amended to add an additional*  
24 *chapter to read as follows:*

25 *12-17-101. Definitions.*

26 *As used in this chapter:*

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

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

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



1 chemicals or components used to manufacture controlled substances;

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

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

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

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

22 (ii) To commit a criminal offense defined by  
23 Arkansas law which intimidates, threatens, injures, maims, or kills any law  
24 enforcement officer, prosecutor, judicial officer, or any other court  
25 official, witness, informant, or juror, involved in the investigation or  
26 prosecution of any violation of the Uniform Controlled Substances Act, § 5-  
27 64-401 et seq.;

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

31 (3) "Law enforcement agency" means:

32 (A) Any sheriff's office of any county in this state;

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

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

36 (4) "Multi-jurisdictional drug crime task force" means an

1 association consisting of a minimum of two (2) law enforcement agencies and  
2 one (1) prosecuting attorney acting by agreement to jointly investigate and  
3 prosecute drug crimes in a defined geographic area or judicial district; and

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

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

10 (a) There is hereby established and created on the books of the Chief  
11 Fiscal Officer of the State, Treasurer of State, and Auditor of State a  
12 special revenue fund to be known as the State Drug Crime Enforcement and  
13 Prosecution Grant Fund for the purpose of funding state grant awards for  
14 multi-jurisdictional drug crime task forces to investigate and prosecute drug  
15 crimes within the State of Arkansas.

16 (b) The fund shall consist of:

17 (1) Revenues generated under § 12-17-106; and

18 (2) Any moneys authorized by the General Assembly.

19  
20 12-17-103. Grant application and administration process.

21 (a) The Department of Finance and Administration shall develop and  
22 promulgate grant applications under this chapter and upon the recommendations  
23 of the Arkansas Alcohol and Drug Abuse Coordinating Council.

24 (b) The department shall administer all grant awards and expenditures  
25 under this chapter by the multi-jurisdictional drug crime task forces under  
26 applicable state and federal law.

27  
28 12-17-104. Determination of grant awards.

29 The Arkansas Alcohol and Drug Abuse Coordinating Council shall:

30 (1) Develop and promulgate by rule criteria for the grant  
31 applications and awards process under this chapter;

32 (2) Review all grant applications under this chapter;

33 (3) Determine which applicant or applicants should receive grant  
34 awards under this chapter; and

35 (4) Retain oversight of all grant expenditures under this  
36 chapter.

1  
2 12-17-105. Matching funds.

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

6 (b) The source of local matching funds shall be from county or  
7 municipal general revenue appropriations or authorized drug control fund  
8 disbursements of any participating multi-jurisdictional drug crime task force  
9 member agency.

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

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14 12-17-106. Drug crime special assessment.

15 (a) There is hereby established a drug crime special assessment to be  
16 levied by the district court or circuit courts of this State in the sum of  
17 one hundred twenty-five dollars (\$125) against any person who is convicted  
18 of, or enters a plea of guilty or nolo contendere to, any felony or  
19 misdemeanor offense the court determines to be a drug crime.

20 (b) The special assessment shall be collected by the entity or office  
21 designated to collect fines and costs within the jurisdiction.

22 (c) All special assessments collected shall be paid to the treasurer  
23 of the applicable city or county and transmitted to the Department of Finance  
24 and Administration for deposit into the State Drug Crime Enforcement and  
25 Prosecution Grant Fund.

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27 12-17-107. Specific use of grant awards.

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

29 (1) Salaries;

30 (2) Personal services matching;

31 (3) Overtime;

32 (4) Maintenance and general operations;

33 (5) Evidentiary purchases of controlled substances or  
34 information;

35 (6) Informant and witness compensation;

36 (7) Rent;

