

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 2520

4
5 By: Representative Wills
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For An Act To Be Entitled

8
9 AN ACT TO COMPLY WITH FEDERAL REGULATIONS
10 CONCERNING FUNDS OBTAINED THROUGH THE FEDERAL
11 EQUITABLE SHARING PROGRAM; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 TO COMPLY WITH FEDERAL REGULATIONS
16 CONCERNING FUNDS OBTAINED THROUGH THE
17 FEDERAL EQUITABLE SHARING PROGRAM.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-64-505(i)(3) and (4), concerning the
23 Special State Assets Forfeiture Fund and federal forfeitures, is amended to
24 read as follows:

25 (3) Special State Assets Forfeiture Fund.

26 (A) There is created and established on the books of the
27 Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the
28 State a fund to be known as the "Special State Assets Forfeiture Fund".

29 (B)(i) The Special State Assets Forfeiture Fund shall
30 consist of revenues obtained under subdivision (i)(1)(B)(iv) of this section
31 and any other revenue as may be provided by law.

32 (ii) Moneys from the Special State Assets Forfeiture
33 Fund may not supplant other local, state, or federal funds.

34 (C) The Special State Assets Forfeiture Fund is not
35 subject to the provisions of the Revenue Stabilization Law, § 19-5-101 et
36 seq., or the Special Revenue Fund Account of the State Apportionment Fund, §



1 19-5-203(b)(2)(A).

2 (D)(i) The Arkansas Drug Director shall establish through
3 rules and regulations a procedure for proper investment, use, and disposition
4 of state moneys deposited in the Special State Assets Forfeiture Fund in
5 accordance with the intent and purposes of this chapter.

6 (ii) ~~Moneys~~ State moneys in the Special State Assets
7 Forfeiture Fund shall be distributed by the Arkansas Alcohol and Drug Abuse
8 Coordinating Council and shall be distributed for drug interdiction,
9 eradication, education, rehabilitation, the State Crime Laboratory, and drug
10 courts.

11 (4) Federal forfeitures.

12 (A)(i)(a) Any moneys received by a prosecuting attorney or
13 law enforcement agency from a federal forfeiture shall be deposited and
14 maintained in a separate account.

15 (b) However, any balance over two hundred
16 fifty thousand dollars (\$250,000) shall be distributed as set forth in
17 subdivision (i)(4)(B) of this section.

18 (ii) No other moneys may be maintained in the
19 account except for any interest income generated by the account.

20 (iii) Moneys in the account shall only be used for
21 law enforcement and prosecutorial purposes consistent with governing federal
22 law.

23 (iv) The account is subject to audit by the Division
24 of Legislative Audit.

25 (B)(i) Any balance over two hundred fifty thousand dollars
26 (\$250,000) shall be forwarded to the ~~Arkansas Drug Director~~ Department of
27 Arkansas State Police to be transferred to the State Treasury for deposit
28 into the Special State Assets Forfeiture Fund in which it shall be maintained
29 separately and distributed consistent with governing federal law and upon the
30 advice of the Arkansas Alcohol and Drug Abuse Coordinating Council.

31 (ii) Of the moneys contained in the Special State
32 Assets Forfeiture Fund at the beginning of each fiscal year, no more than:

33 (a) Twenty-five percent (25%) shall be
34 retained by the Department of Arkansas State Police to be used for law
35 enforcement purposes consistent with governing federal law; and

36 (b) Sixty-five percent (65%) may be

1 distributed among other state and local law enforcement agencies to be used
2 for law enforcement purposes consistent with federal law.

3 (iii) With the advice of the Arkansas Alcohol and
4 Drug Abuse Coordinating Council, the Department of Arkansas State Police
5 shall promulgate rules and procedures for the distribution by an allocation
6 formula of moneys set forth in subdivision (i)(4)(B)(ii)(b) of this section.

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8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that the provisions of this act are
10 needed to comply with the federal regulation sharing program; that this act
11 will allow consistent application of the federal regulation sharing program
12 and avoid confusion if it becomes effective on July 1, 2007; and that this
13 act is immediately necessary because unless the emergency clause is adopted,
14 the act will not go into effect until after the beginning of the next fiscal
15 year. Therefore, an emergency is declared to exist and this act being
16 necessary for the preservation of the public peace, health, and safety shall
17 become effective on July 1, 2007.

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