

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 261

5 By: Senator J. Hutchinson
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For An Act To Be Entitled

8 AN ACT CONCERNING THE DISPOSITION OF SEIZED PROPERTY;
9 AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING THE DISPOSITION OF SEIZED
12 PROPERTY.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-73-110 is amended to read as follows:

20 5-73-110. Disarming minors and ~~mentally defective or irresponsible~~
21 persons with mental illness - Disposition of property seized.

22 (a) Subject to constitutional limitation, ~~nothing in this section and~~
23 §§ 5-73-101 - 5-73-109 ~~shall be construed to~~ do not prohibit a law
24 enforcement officer from disarming, without arresting, a minor or person who
25 reasonably appears to be ~~mentally defective or otherwise mentally~~
26 irresponsible, mentally ill, and seizing the deadly weapon, when ~~that~~ the
27 minor or person is in possession of a deadly weapon.

28 (b) Property seized ~~pursuant to~~ under subsection (a) of this section
29 ~~may~~ shall be:

30 (1) ~~Returned to the parent, guardian, or other person entrusted~~
31 ~~with care and supervision of the person so disarmed; or~~

32 (2) ~~Delivered to the custody of a court having jurisdiction to~~
33 ~~try criminal offenses, in which case the court shall:~~

34 (A) ~~Treat the property as contraband under §§ 5-5-101 and~~
35 ~~5-5-102; or~~

36 (B) ~~Issue an order requiring that at a certain time the~~



1 ~~parent, guardian, or person entrusted with the care and supervision of the~~
2 ~~person disarmed show cause why the seized property should not be so treated.~~

3 ~~(c) Notice of the show cause proceedings may be given in the manner~~
4 ~~provided for service of criminal summons under Rule 6.3 of Arkansas Rules of~~
5 ~~Criminal Procedure.~~

6 (1) Held for seventy-two (72) hours by the law enforcement
7 agency employing the law enforcement officer that seized the property; and

8 (2) After the seventy-two-hour hold, returned to the lawful
9 owner upon request and after the lawful owner presents a valid proof-of-
10 ownership.

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