1 2	State of Arkansas 94th General Assembly	$\mathop{\hbox{As Engrossed:}}\limits_{\hbox{A Bill}}^{\it S3/8/23}$	
3	Regular Session, 2023		HOUSE BILL 1327
4			
5	By: Representative Gazaway		
6	By: Senator M. McKee		
7			
8	For An Act To Be Entitled		
9	AN ACT TO AMEND THE LAW CONCERNING DISPOSITION OF		
10	CONTRABAND	AND SEIZED PROPERTY; TO ALLOW FORE	EITED
11	FIREARMS TO	BE TRADED TO FEDERALLY LICENSED I	FIREARMS
12	DEALERS; AN	D FOR OTHER PURPOSES.	
13			
14			
15		Subtitle	
16		END THE LAW CONCERNING DISPOSITION	
17	OF CO	NTRABAND AND SEIZED PROPERTY; AND	ТО
18	ALLOW	FORFEITED FIREARMS TO BE TRADED TO	0
19	FEDERA	ALLY LICENSED FIREARMS DEALERS.	
20			
21	DD 700 DW4 C0000 DW4 0000 C0		
22	BE IT ENACTED BY THE GE	NERAL ASSEMBLY OF THE STATE OF ARE	(ANSAS:
23 24	CECTION 1 Ambron	usas Code § 5-5-101(c), concerning	the diamentation of
24 25		property, is amended to read as fol	-
26	_	id shall be destroyed.	LIOWS.
27		as limited under subdivision (c)	(3) of this section.
28	-	e court having jurisdiction, any o	
29	lawful use may be:		yoururururururururururururururururururur
30	·	Retained for use by the law enforce	cement agency
31	responsible for the arr	·	,
32	(B)	Sold and the proceeds disposed of	in the manner
33	provided by subsections	(e)-(g) of this section -; or	
34	<u>(C)</u>	Traded to a federally licensed fir	cearms dealer as
35	provided by subsection	(h) of this section.	
36	(3) Contra	band described in subdivisions (b)	(1)(C)-(H) of this

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1	section and having no lawful use shall not be retained.	
2		
3	SECTION 2. Arkansas Code § 5-5-101(d)(1)(A), concerning the	
4	disposition of contraband and seized property, is amended to read as follows:	
5	(d)(1)(A) Except as provided in subdivision (d)(2) or subsection (h)	
6	of this section, unclaimed seized property shall be sold at public auction to	
7	be held by the chief law enforcement officer of the county, city, or town law	
8	enforcement agency that seized the unclaimed seized property or the chief law	
9	enforcement officer's designee.	
10		
11	SECTION 3. Arkansas Code § 5-5-101, concerning the disposition of	
12	contraband and seized property, is amended to add additional subsections to	
13	read as follows:	
14	(h)(1) A law enforcement agency to which contraband or unclaimed	
15	seized property that is a firearm is forfeited may trade the firearm to a	
16	federally licensed firearms dealer for credit toward future purchases by the	
17	law enforcement agency.	
18	(2) If the firearm is unable to be traded to a federally	
19	licensed firearms dealer, the law enforcement agency may dispose of the	
20	firearm as the law enforcement agency deems appropriate.	
21	(i)(1) A law enforcement agency disposing of contraband or seized	
22	property under this section shall maintain a written report that includes	
23	without limitation:	
24	(A) A list and description, including without limitation a	
25	serial number, of all property disposed, traded for credit, or sold at	
26	auction;	
27	(B) The dollar amount of any credit obtained by the law	
28	enforcement agency and the contact information for the federally licensed	
29	dealer with which the credit is held;	
30	(C) The dollar amount of any funds received at auction and	
31	where the funds were deposited; and	
32	(D) An explanation for any credit used, including without	
33	limitation a description of items purchased with the credit and the dollar	
34	amount of the purchase.	
35	(2) The written report required under subdivision (i)(1) of this	
36	section shall be provided:	

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1	(A) To the elected body that oversees the finances and		
2	operations of the law enforcement agency; and		
3	(B) Within thirty (30) days of:		
4	(i) The date a firearm or item of contraband is		
5	traded to a federally licensed dealer by a law enforcement agency; and		
6	(ii) The date a credit with a federally licensed		
7	dealer is used by the law enforcement agency.		
8			
9	SECTION 4. EMERGENCY CLAUSE. It is found and determined by the		
10	General Assembly of the State of Arkansas that there are inconsistencies in		
11	current law concerning the disposition of firearms that are contraband and		
12	seized property; that in the past, law enforcement agencies have been able to		
13	use credits they are given for trading in seized firearms to purchase		
14	equipment that is necessary for the safety of the law enforcement officers		
15	and the public; the ability of law enforcement agencies to trade in firearms		
16	that are contraband or seized property is essential to the performance of		
17	their duties; and that this act is immediately necessary to amend the law to		
18	allow law enforcement agencies to trade in firearms that are contraband or		
19	seized property to receive credit to purchase equipment that is necessary for		
20	the law enforcement officers to perform their duty to preserve the public		
21	peace and safety. Therefore, an emergency is declared to exist, and this ac		
22	being immediately necessary for the preservation of the public peace, health		
23	and safety shall become effective on:		
24	(1) The date of its approval by the Governor;		
25	(2) If the bill is neither approved nor vetoed by the Governor,		
26	the expiration of the period of time during which the Governor may veto the		
27	bill; or		
28	(3) If the bill is vetoed by the Governor and the veto is		
29	overridden, the date the last house overrides the veto.		
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31	/s/Gazaway		
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