

State of Arkansas

As Engrossed: S4/1/25

95th General Assembly

## A Bill

Regular Session, 2025

SENATE BILL 442

By: Senator J. Bryant

By: Representative McAlindon

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING HUMAN TRAFFICKING;  
TO PROVIDE FOR FORFEITURE OF ASSETS USED TO CONDUCT  
HUMAN TRAFFICKING; TO CREATE THE OFFENSE OF HARBORING  
AN ENDANGERED RUNAWAY CHILD; TO CREATE THE ARKANSAS  
HUMAN TRAFFICKING COUNCIL SUPPORT FUND; TO AMEND THE  
FINE PAYMENTS FOR HUMAN TRAFFICKING OFFENSES AND  
PROSTITUTION OFFENSES; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING HUMAN  
TRAFFICKING; TO PROVIDE FOR FORFEITURE  
OF ASSETS USED TO CONDUCT HUMAN  
TRAFFICKING; AND TO CREATE THE OFFENSE  
OF HARBORING AN ENDANGERED RUNAWAY  
CHILD.

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

SECTION 1. Arkansas Code § 5-5-201(a), concerning certain asset  
forfeiture proceedings, is amended to read as follows:

(a) Upon conviction, any conveyance, including an aircraft, motor  
vehicle, or vessel, is subject to forfeiture under this subchapter if it is  
used in the commission or attempt of:

- (1) A burglary;
- (2) A robbery;
- (3) A theft; or
- (4) An arson; ~~or~~



~~(5) Trafficking of persons, § 5-18-103.~~

SECTION 2. Arkansas Code § 5-5-202(b)(2), concerning the seizure of conveyances for certain asset forfeiture proceedings, is amended to read as follows:

(2) Any law enforcement officer has probable cause to believe that the conveyance was used in the commission or attempt of:

(A) A burglary;

(B) A robbery;

(C) A theft; or

(D) An arson; ~~or~~

~~(E) Trafficking of persons, § 5-18-103.~~

SECTION 3. Arkansas Code § 5-5-501(d), concerning the impoundment of a motor vehicle used in a prostitution offense and the assessment of the impoundment fee, is amended to read as follows:

(d) An impoundment fee assessed under this section shall be collected by the impounding law enforcement agency and remitted to the ~~Human Trafficking Victim Support Fund~~ Arkansas Human Trafficking Council Support Fund on the first business day of each month.

SECTION 4. Arkansas Code Title 5, Chapter 5, is amended to add an additional subchapter to read as follows:

Subchapter 6 – Forfeiture of Property used in Human Trafficking

5-5-601. Forfeiture of assets and disposition of proceeds.

(a) In addition to any other civil or criminal penalties provided by law, real or personal property used in the commission of a violation of the Human Trafficking Act of 2013, § 5-18-101 et seq., shall be forfeited as provided in this subchapter.

(b) Upon conviction for a violation of the Human Trafficking Act of 2013, § 5-18-101 et seq., the following real or personal property is subject to forfeiture under this subchapter:

(1) A conveyance, including an aircraft, a vehicle, or vessel;

(2) A book, record, telecommunication equipment, or computer;

(3) Money;

1           (4) A negotiable instrument or security;

2           (5) A weapon;

3           (6) Anything of value furnished, or intended to be furnished, in  
4 exchange for a violation of the Human Trafficking Act of 2013, § 5-18-101 et  
5 seq.;

6           (7) Any real or personal property acquired or received in a  
7 violation of or as an inducement to violate the Human Trafficking Act of  
8 2013, § 5-18-101 et seq.;

9           (8) Any real or personal property traceable to proceeds from a  
10 violation of the Human Trafficking Act of 2013, § 5-18-101 et seq.; and

11           (9) Any real property, including any right, title, and interest  
12 in the whole of or any part of any lot or tract of land used in furtherance  
13 of a violation of the Human Trafficking Act of 2013, § 5-18-101 et seq.

14  
15       5-5-602. Real or personal property not subject to forfeiture.

16       (a)(1) Real or personal property used in furtherance of a violation of  
17 the Human Trafficking Act of 2013, § 5-18-101 et seq., shall not be forfeited  
18 under this section unless the real or personal property was used with the  
19 owner's knowledge.

20       (2) If the confiscating authority has reason to believe that the  
21 real or personal property is leased or rented, the confiscating authority  
22 shall notify the owner of the real or personal property within five (5) days  
23 of the confiscation or within five (5) days of learning that the real or  
24 personal property is leased or rented.

25       (3) Forfeiture of real or personal property encumbered by a bona  
26 fide security interest is subject to the interest of the secured party if the  
27 secured party did not have knowledge of nor consented to the act or omission  
28 in violation of the Human Trafficking Act of 2013 § 5-18-101 et seq.

29       (b) No property used by any person as a common carrier in the course  
30 of business as a common carrier is subject to forfeiture under this  
31 subchapter unless it appears that the owner or other person in charge of the  
32 property is a consenting party or privy to a violation of the Human  
33 Trafficking Act of 2013, § 5-18-101 et seq.

34  
35       5-5-603. Seizure of real or personal property.

36       (a) Real or personal property subject to forfeiture under this

1 subchapter may be seized by any law enforcement agent upon process issued by  
2 any circuit court having jurisdiction over the real or personal property on  
3 petition filed by the prosecuting attorney of the judicial circuit.

4 (b) Seizure without process may be made if:

5 (1) The seizure is incident to an arrest or a search under a  
6 search warrant or an inspection under an administrative inspection warrant;

7 (2) The real or personal property subject to seizure has been  
8 the subject of a prior judgment in favor of the state in a criminal  
9 injunction or forfeiture proceeding based upon this subchapter;

10 (3) The seizing law enforcement agency has probable cause to  
11 believe that the real or personal property is directly or indirectly  
12 dangerous to health or safety; or

13 (4) The seizing law enforcement agency has probable cause to  
14 believe that the real or personal property was used in the commission or  
15 attempt of a violation of the Human Trafficking Act of 2013, § 5-18-101 et  
16 seq.

17  
18 5-5-604. Transfer of real or personal property seized by state or  
19 local agency to federal agency.

20 (a) A state or local law enforcement agency shall not transfer real or  
21 personal property seized by the state or local agency to any federal entity  
22 for forfeiture under federal law unless the circuit court having jurisdiction  
23 over the property enters an order, upon petition by the prosecuting attorney,  
24 authorizing the property to be transferred to the federal entity.

25 (b) A transfer under subsection (a) of this section shall not be  
26 approved unless it reasonably appears that the activity giving rise to the  
27 investigation or seizure involves more than one (1) state or the nature of  
28 the investigation or seizure would be better pursued under federal law.

29  
30 5-5-605. Custody of real or personal property pending disposition.

31 (a) Real or personal property seized for forfeiture under this  
32 subchapter is not subject to replevin, but is deemed to be in the custody of  
33 the seizing law enforcement agency subject only to an order or decree of the  
34 circuit court having jurisdiction over the property seized.

35 (b) Subject to any need to retain the real or personal property as  
36 evidence, when real or personal property is seized under this subchapter the

1 seizing law enforcement agency shall:

2 (1) Remove the personal property to a place designated by the  
3 circuit court;

4 (2) Place the real property under constructive seizure by  
5 posting notice of pending forfeiture on it, by giving notice of pending  
6 forfeiture to its owners and interest holders, or by filing notice of pending  
7 forfeiture in any appropriate public record relating to the real property;

8 (3) Remove the personal property to a storage area for  
9 safekeeping or, if the personal property is a negotiable instrument or money,  
10 or is not needed for evidentiary purposes, deposit it in an interest-bearing  
11 account; or

12 (4) Provide for another agency or custodian, including an owner,  
13 secured party, mortgagee, or lienholder, to take custody of the real or  
14 personal property and service, maintain, and operate it as reasonably  
15 necessary to maintain its value in any appropriate location within the  
16 jurisdiction of the court.

17 (c)(1) In any transfer of real or personal property under § 5-5-604, a  
18 transfer receipt shall be prepared by the transferring law enforcement  
19 agency.

20 (2) The transfer receipt shall:

21 (A) List a detailed and complete description of the real  
22 or personal property being transferred;

23 (B) State to which federal agency the real or personal  
24 property is being transferred and the source or authorization for the  
25 transfer; and

26 (C) Be signed by both the transferor and the transferee.

27 (3) Both transferor and transferee shall maintain a copy of the  
28 transfer receipt.

29 (d) A person who acts as custodian of real or personal property under  
30 this section is not liable to any person on account of an act done in a  
31 reasonable manner in compliance with an order under this subchapter.

32  
33 5-5-606. Inventory of real or personal property seized – Referral to  
34 prosecuting attorney – Failure to file confiscation report.

35 (a) Real or personal property seized by a state or local law  
36 enforcement officer who is attached to, deputized or commissioned by, or

1 working in conjunction with a federal agency remains subject to the  
2 provisions of this section.

3 (b)(1) When real or personal property is seized for forfeiture by a  
4 law enforcement agency, the seizing law enforcement officer shall prepare and  
5 sign a confiscation report.

6 (2)(A) The person from whom the real or personal property is  
7 seized shall sign the confiscation report if present and shall immediately  
8 receive a copy of the confiscation report.

9 (B) If the person refuses to sign the confiscation report,  
10 the confiscation report shall be signed by one (1) additional law enforcement  
11 officer, stating that the person refused to sign the confiscation report.

12 (3)(A) The original confiscation report shall be filed with the  
13 seizing law enforcement agency within forty-eight (48) hours after the  
14 seizure and maintained in a separate file.

15 (B) One (1) copy of the confiscation report shall be  
16 retained by the seizing law enforcement officer.

17 (4) The confiscation report shall contain the following  
18 information:

19 (A) A detailed description of the real or personal  
20 property seized including without limitation any serial number, model number,  
21 and odometer reading or hour reading of a vehicle or equipment;

22 (B) The date of seizure;

23 (C) The name and address of the person from whom the real  
24 or personal property was seized;

25 (D) The reason for the seizure;

26 (E) Where the personal property will be held;

27 (F) The seizing law enforcement officer's name; and

28 (G) A signed statement by the seizing law enforcement  
29 officer stating that the confiscation report is true and complete.

30 (5) Within three (3) business days of receiving the confiscation  
31 report, the seizing law enforcement agency shall forward a copy of the  
32 confiscation report to the prosecuting attorney for the district where the  
33 real or personal property was seized and to the Human Trafficking  
34 Coordinator.

35 (c)(1) Arkansas Legislative Audit shall notify the Human Trafficking  
36 Coordinator and a circuit court in the county of a law enforcement agency,

1 prosecuting attorney, or other public entity that the law enforcement agency,  
2 prosecuting attorney, or public entity is ineligible to receive any forfeited  
3 funds, forfeited real or personal property, or any grants from the Arkansas  
4 Human Trafficking Council Support Fund, if Arkansas Legislative Audit  
5 determines, by its own investigation or upon written notice from the Human  
6 Trafficking Coordinator, that:

7 (A) The law enforcement agency has failed to complete and  
8 file the confiscation report as required by this section; or

9 (B) The law enforcement agency, prosecuting attorney, or  
10 public entity has not properly accounted for any seized real or personal  
11 property.

12 (2) After the notice by Arkansas Legislative Audit under  
13 subdivision (c)(1) of this section, the circuit court shall not issue any  
14 order distributing seized real or personal property to that law enforcement  
15 agency, prosecuting attorney, or public entity nor shall any grant be awarded  
16 by the Human Trafficking Operations Unit of the Division of Arkansas State  
17 Police to that law enforcement agency, prosecuting attorney, or public entity  
18 until:

19 (A) The appropriate officials of the law enforcement  
20 agency, prosecuting attorney, or public entity have appeared before the  
21 Legislative Joint Auditing Committee; and

22 (B) The Legislative Joint Auditing Committee has adopted a  
23 motion authorizing subsequent transfers of forfeited real or personal  
24 property to the law enforcement agency, prosecuting attorney, or public  
25 entity.

26 (3)(A) While a law enforcement agency, prosecuting attorney, or  
27 other public entity is ineligible to receive forfeited real or personal  
28 property, the circuit court shall order any money that would have been  
29 distributed to that law enforcement agency, prosecuting attorney, or public  
30 entity to be transmitted to the Treasurer of State for deposit into the  
31 Arkansas Human Trafficking Council Support Fund.

32 (B) If the real or personal property is not cash, the  
33 circuit court shall order the real or personal property converted to cash by  
34 selling the real or personal property under § 5-5-608(a)(2) and the proceeds  
35 transmitted to the Treasurer of State for deposit into the Arkansas Human  
36 Trafficking Council Support Fund.

1           (4) Moneys deposited into the Arkansas Human Trafficking Council  
2 Support Fund pursuant to subdivision (c)(3) of this section are not subject  
3 to recovery or retrieval by the ineligible law enforcement agency,  
4 prosecuting attorney, or other public entity.

5           (d) The Human Trafficking Coordinator shall make available a  
6 standardized confiscation report form to be used by all law enforcement  
7 agencies with specific instructions and guidelines concerning the type and  
8 monetary value of all real or personal property, including weapons, to be  
9 included in the confiscation report and forwarded to the office of the local  
10 prosecuting attorney and the Human Trafficking Coordinator under subdivision  
11 (b)(5) of this section.

12  
13           5-5-607. Initiation of forfeiture proceedings – Notice to claimants –  
14 Judicial proceedings.

15           (a)(1) A prosecuting attorney shall initiate a forfeiture proceeding  
16 under this subchapter by filing a complaint with the circuit clerk of the  
17 county where the real or personal property was seized and by serving the  
18 complaint on all known owners and interest holders of the seized property in  
19 accordance with the Arkansas Rules of Civil Procedure.

20           (2) The complaint may be based on in rem or in personam  
21 jurisdiction but shall not be filed in such a way as to avoid the  
22 distribution requirements set forth in § 5-5-609.

23           (3) The prosecuting attorney shall mail a copy of the complaint  
24 to the Human Trafficking Coordinator within five (5) calendar days after  
25 filing the complaint.

26           (4) The complaint shall include a copy of the confiscation  
27 report and shall be filed within sixty (60) days after receiving a copy of  
28 the confiscation report from the seizing law enforcement agency.

29           (5) In a case involving real property, the complaint shall be  
30 filed within sixty (60) days of the defendant's conviction on the charge  
31 giving rise to the forfeiture.

32           (6)(A) The complaint may be filed after the expiration of the  
33 time set forth in subdivision (b)(1) of this section only if the complaint is  
34 accompanied by a statement of good cause for the late filing.

35           (B) However, in no event shall the complaint be filed more  
36 than one hundred twenty (120) days after either the date of the seizure or,



1 in a case involving real property, the date of the defendant's conviction.

2 (C)(i) If the circuit court determines that good cause has  
3 not been established, the circuit court shall order that the seized real or  
4 personal property be returned to the owner or interest holder.

5 (ii) In addition to the requirements in subdivision  
6 (a)(6)(C)(i) of this section, real or personal property seized but not  
7 subject to forfeiture under this subchapter or subject to disposition  
8 pursuant to law or the Arkansas Rules of Criminal Procedure may be ordered  
9 returned to the owner or interest holder.

10 (iii) If the owner or interest holder cannot be  
11 determined, the court may order disposition of the real or personal property  
12 as provided in § 5-5-608.

13 (b)(1) Subject to the Arkansas Rules of Civil Procedure, a defendant  
14 who was arrested for an offense in violation of the Human Trafficking Act of  
15 2013, § 5-18-101 et seq. shall file with the circuit clerk an answer to the  
16 complaint that shall include:

17 (A) A statement describing the seized real or personal  
18 property and the owner's or interest holder's interest in the seized real or  
19 personal property, with supporting documents to establish the owner's or  
20 interest holder's interest;

21 (B) A certification by the owner or interest holder  
22 stating that he or she has read the answer and that it is not filed for any  
23 improper purpose;

24 (C) A statement setting forth any defense to forfeiture;  
25 and

26 (D) The address at which the owner or interest holder  
27 accepts mail.

28 (2) Subject to the Arkansas Rules of Civil Procedure, a  
29 defendant who is a third party who was not arrested for an offense giving  
30 rise to a forfeiture action under this subchapter shall file an answer to the  
31 complaint with the circuit clerk within forty-five (45) days of service of  
32 process.

33 (c)(1) If the owner or interest holder fails to file an answer as  
34 required by subsection (b) of this section, the prosecuting attorney may move  
35 for default judgment pursuant to the Arkansas Rules of Civil Procedure.

36 (2) If a timely answer is filed:

1                   (A) By a defendant who was arrested for an offense giving  
2 rise to the forfeiture action under this section, the prosecuting attorney  
3 shall prove by a preponderance of the evidence that the seized real or  
4 personal property should be forfeited; or

5                   (B) By a third party who was not arrested for an offense  
6 giving rise to the forfeiture action, the prosecuting attorney shall prove by  
7 clear and convincing evidence that the seized real or personal property  
8 should be forfeited.

9                   (3)(A) After the prosecuting attorney has presented proof under  
10 subdivision (c)(2) of this section, any owner or interest holder of the real  
11 or personal property seized may present evidence why the seized real or  
12 personal property should not be forfeited.

13                   (B) If the circuit court determines that grounds for  
14 forfeiting the seized real or personal property exist and that no defense to  
15 forfeiture has been established by the owner or interest holder, the circuit  
16 court shall enter an order under § 5-5-608.

17                   (C) If the circuit court determines that the prosecuting  
18 attorney has failed to establish that grounds for forfeiture of the seized  
19 real or personal property exist or that the owner or interest holder has  
20 established a defense to the forfeiture, the court shall order that the  
21 seized real or personal property be immediately returned to the owner or  
22 interest holder.

23  
24                   5-5-608. Final disposition.

25                   (a) When a circuit court having jurisdiction over real or personal  
26 property seized under this subchapter finds that grounds for a forfeiture  
27 exist and the burden of proof has been met under § 5-5-607, the circuit court  
28 shall enter an order:

29                   (1) Permitting the law enforcement agency or prosecuting  
30 attorney to retain the seized personal property for law enforcement or  
31 prosecutorial purposes subject to subsection (b) of this section;

32                   (2) Directing the retaining law enforcement agency or  
33 prosecuting attorney to sell at public sale, under § 5-5-101(e) and (f), the  
34 seized real or personal property that is not required by law to be destroyed  
35 and that is not harmful to the public; or

36                   (3) Transferring a motor vehicle to a school district for use in

1 a driver education course.

2 (b)(1) Seized personal property that is retained by the law  
3 enforcement agency or prosecuting attorney under subdivision (a)(1) of this  
4 section shall not be retained for official use for more than two (2) years,  
5 unless the circuit court finds that the seized property has been used for law  
6 enforcement or prosecutorial purposes and authorizes continued use for those  
7 purposes on an annual basis.

8 (2) Except as provided in subdivision (b)(1) of this section, no  
9 later than two (2) years after entry of an order under subdivision (a)(1) of  
10 this section, the seized personal property shall be sold as provided in  
11 subdivision (a)(2) of this section, and the proceeds shall be deposited:

12 (A) Eighty percent (80%) into the human trafficking  
13 control fund of the retaining law enforcement agency or prosecuting attorney;  
14 and

15 (B) Twenty percent (20%) into the State Treasury as  
16 special revenues to be credited to the Arkansas Human Trafficking Council  
17 Support Fund.

18 (3) The retaining law enforcement agency or prosecuting attorney  
19 may sell the retained seized personal property at any time during the time  
20 allowed for retention, and the proceeds of the sale shall be distributed as  
21 set forth in subdivisions (b)(2)(A) and (B) of this section.

22 (4) If the circuit court determines that retained seized  
23 personal property has been used for personal use or by non-law enforcement  
24 personnel for non-law enforcement purposes, the circuit court shall order the  
25 seized personal property to be sold at public sale under § 5-5-101(e) and  
26 (f), and the proceeds shall be deposited into the State Treasury as special  
27 revenues to be credited to the Arkansas Human Trafficking Council Support  
28 Fund.

29 (5)(A) A law enforcement agency may use seized personal property  
30 or money if the circuit court's order specifies that the seized personal  
31 property or money may be retained for official use by the prosecuting  
32 attorney, county sheriff, chief of police, Division of Arkansas State Police,  
33 or Arkansas Highway Police Division of the Arkansas Department of  
34 Transportation.

35 (B) If the circuit court's order specifies that the seized  
36 personal property or money may be retained for official use, the prosecuting

1 attorney, county sheriff, chief of police, Division of Arkansas State Police,  
2 or Arkansas Highway Police Division of the Arkansas Department of  
3 Transportation shall:

4 (i) Maintain an inventory of the seized personal  
5 property or money;

6 (ii) Be accountable for the seized personal property  
7 or money; and

8 (iii) Be subject to the provisions of § 5-5-606(c)  
9 with respect to the seized personal property or money.

10 (6) Any weapon not retained for official use shall be disposed  
11 of in accordance with state and federal law.

12 (c) Disposition of seized real or personal property under this section  
13 is subject to the need to retain the seized real or personal property as  
14 evidence in any related proceeding.

15 (d) Within three (3) business days of the entry of an order, the  
16 circuit clerk shall forward to the Human Trafficking Coordinator copies of  
17 the confiscation report, the circuit court's order, and any other  
18 documentation detailing the disposition of the seized real or personal  
19 property.

20  
21 5-5-609. Disposition of moneys received.

22 (a)(1) Subject to the provisions of § 5-5-606, the proceeds of sales  
23 conducted pursuant to § 5-5-608 and any moneys forfeited or obtained by  
24 judgment or settlement under this subchapter shall be deposited and  
25 distributed in the manner set forth in this section.

26 (2) Moneys received from a federal forfeiture shall be deposited  
27 and distributed under subsection (f) of this section.

28 (b) The proceeds of any sale and any moneys forfeited or obtained by  
29 judgment or settlement under this subchapter shall be deposited into the  
30 asset forfeiture fund of the prosecuting attorney and is subject to the  
31 following provisions:

32 (1) During a calendar year, if the the aggregate amount of  
33 moneys deposited into the asset forfeiture fund exceeds twenty thousand  
34 dollars (\$20,000) per county, within fourteen (14) days of the time of the  
35 excess the prosecuting attorney shall notify the circuit judges in the  
36 judicial district and the Human Trafficking Coordinator;

1           (2) After the notification required under subdivision (b)(1) of  
2 this section, twenty percent (20%) of the proceeds of any additional sale and  
3 any additional moneys forfeited or obtained by judgment or settlement under  
4 this subchapter in the same calendar year shall be deposited into the State  
5 Treasury as special revenues to be credited to the Arkansas Human Trafficking  
6 Council Support Fund, and the remainder shall be deposited into the asset  
7 forfeiture fund of the prosecuting attorney;

8           (3) Failure of the prosecuting attorney to comply with the  
9 notification requirement under subdivision (b)(1) of this section renders the  
10 prosecuting attorney and any entity eligible to receive forfeited moneys or  
11 property from the prosecuting attorney ineligible to receive forfeited moneys  
12 or property, except as provided in § 5-5-606; and

13           (4) Twenty percent (20%) of any moneys in excess of twenty  
14 thousand dollars (\$20,000) that have been retained but not reported as  
15 required by subdivision (b)(1) of this section are subject to recovery for  
16 deposit into the State Treasury as special revenues to be credited to the  
17 Arkansas Human Trafficking Council Support Fund.

18           (c)(1) The prosecuting attorney shall administer expenditures from the  
19 asset forfeiture fund, which is subject to audit by Arkansas Legislative  
20 Audit.

21           (2) Moneys distributed from the asset forfeiture fund shall only  
22 be used for law enforcement and prosecutorial purposes and moneys in the  
23 asset forfeiture fund shall be distributed in the following order:

24           (A) For satisfaction of any bona fide security interest or  
25 lien;

26           (B) For payment of any proper expense of the proceeding  
27 for forfeiture and sale, including expenses of seizure, maintenance of  
28 custody, advertising, and court costs;

29           (C) Any balance under two hundred fifty thousand dollars  
30 (\$250,000) shall be distributed proportionally to reflect generally the  
31 contribution of the appropriate local or state law enforcement or  
32 prosecutorial agency's participation in any activity that led to the seizure  
33 or forfeiture of the property or deposit of moneys under this subchapter; and

34           (D) Any balance over two hundred fifty thousand dollars  
35 (\$250,000) resulting from the seizure or forfeiture of property or deposit of  
36 moneys under this subchapter shall be forwarded to the Human Trafficking

1 Coordinator to be transferred to the State Treasury for deposit into the  
2 Arkansas Human Trafficking Support Fund.

3 (d)(1) For a forfeiture in an amount greater than two hundred fifty  
4 thousand dollars (\$250,000) from which expenses are paid for a proceeding for  
5 forfeiture and sale under subdivision (c)(2)(B) of this section, an itemized  
6 accounting of the expenses shall be delivered to the Human Trafficking  
7 Coordinator within ten (10) calendar days after the payment of the expenses.

8 (2) The itemized accounting shall include the expenses paid, to  
9 whom paid, and for what purposes the expenses where paid.

10 (e)(1)(A) There is created on the books of each law enforcement agency  
11 and prosecuting attorney a human trafficking control fund.

12 (B) The human trafficking control fund shall consist of  
13 any moneys obtained under subsection (b) of this section and any other  
14 revenue as may be provided by law or ordinance.

15 (C) Moneys in the human trafficking control fund:

16 (i) May not supplant other local, state, or federal  
17 funds;

18 (ii) Are appropriated on a continuing basis and are  
19 not subject to the Revenue Stabilization Law, § 19-5-101 et seq.; and

20 (iii) Shall only be used for law enforcement and  
21 prosecutorial purposes, including without limitation to provide a grant of up  
22 to one thousand dollars (\$1,000) to the family of a law enforcement officer  
23 who dies in the prosecuting attorney's jurisdiction.

24 (D) The human trafficking control fund is subject to audit  
25 by Arkansas Legislative Audit.

26 (2) A law enforcement agency and prosecuting attorney shall  
27 submit to the Human Trafficking Coordinator on or before January 1 and July 1  
28 of each year a report detailing any moneys received and expenditure made from  
29 the human trafficking control fund during the preceding six-month period.

30 (f)(1) Any moneys received by a prosecuting attorney or law  
31 enforcement agency from a federal forfeiture shall be deposited and  
32 maintained in a separate account subject to the following provisions:

33 (A) Any balance over two hundred fifty thousand dollars  
34 (\$250,000) in the separate account shall be distributed as set forth in  
35 subdivision (f)(2) of this section;

36 (B) No other moneys maybe maintained in the separate

1 account except for any interest income generated by the separate account;

2 (C) Moneys in the separate account shall only be used for  
3 law enforcement and prosecutorial purposes consistent with governing federal  
4 law; and

5 (D) The separate account is subject to audit by Arkansas  
6 Legislative Audit.

7 (2) Any balance over two hundred fifty thousand dollars  
8 (\$250,000) shall be forwarded to the Division of Arkansas State Police to be  
9 transferred to the State Treasury for deposit into the Human Trafficking  
10 Council Support Fund in which the balance shall be maintained separately and  
11 distributed consistent with governing federal law.

12  
13 5-5-610. In personam proceedings.

14 (a) In personam jurisdiction may be based on a defendant's presence in  
15 the state, or on his or her conduct in the state, as set out in § 16-4-  
16 101(B), and is subject to the provisions of subsection (b) of this section.

17 (b)(1) A temporary restraining order under this section may be entered  
18 ex parte on application of the state, upon a showing that:

19 (A) There is probable cause to believe that the property  
20 with respect to which the order is sought is subject to forfeiture under this  
21 section; and

22 (B) Notice of the action would jeopardize the availability  
23 of the property for forfeiture.

24 (2) Notice of the entry of a temporary restraining order and an  
25 opportunity for a hearing shall be afforded to a person known to have an  
26 interest in the real or personal property.

27 (3) A hearing under subdivision (b)(2) of this section shall be  
28 held at the earliest possible date consistent with Rule 65 of the Arkansas  
29 Rules of Civil Procedure and is limited to the issues of whether:

30 (A) There is a probability that the state will prevail on  
31 the issue of forfeiture and that failure to enter the temporary restraining  
32 order will result in the real or personal property being destroyed, conveyed,  
33 alienated, encumbered, disposed of, received, removed from the jurisdiction  
34 of the circuit court, concealed, or otherwise made unavailable for  
35 forfeiture; and

36 (B) The need to preserve the availability of real or

1 personal property through the entry of the temporary restraining order  
2 outweighs the hardship on any owner or interest holder against whom the  
3 temporary restraining order is to be entered.

4 (c) The state has the burden of proof by a preponderance of the  
5 evidence to show that the defendant's real or personal property is subject to  
6 forfeiture.

7 (d)(1) After a determination of liability of a person for conduct  
8 giving rise to forfeiture under this subchapter, the circuit court shall  
9 enter a judgment of forfeiture of the real or personal property subject to  
10 forfeiture as alleged in the complaint and may authorize the prosecuting  
11 attorney or any law enforcement officer to seize any real or personal  
12 property subject to forfeiture under § 5-5-601 not previously seized or not  
13 then under seizure.

14 (2) The order of forfeiture shall be consistent with § 5-5-608.

15 (3) In connection with the judgment, on application of the  
16 state, the circuit court may enter any appropriate order to protect the  
17 interest of the state in the forfeited property.

18 (e) Subsequent to the finding of liability and order of forfeiture,  
19 the following procedures apply:

20 (1) The prosecuting attorney shall give notice of pending  
21 forfeiture, in the manner provided in Rule 4 of the Arkansas Rules of Civil  
22 Procedure, to any owner or interest holder who has not previously been given  
23 notice;

24 (2) An owner of or interest holder in the real or personal  
25 property that has been ordered forfeited and whose claim is not precluded may  
26 file a claim within thirty (30) days after initial notice of pending  
27 forfeiture or after notice under Rule 4 of the Arkansas Rules of Civil  
28 Procedure, whichever is earlier; and

29 (3) The circuit court may amend the in personam order of  
30 forfeiture if the circuit court determines that a claimant has established  
31 that he or she has an interest in the real or personal property and that the  
32 interest is exempt under § 5-5-602.

33  
34 5-5-611. Forfeiture of absent, encumbered, or indivisible real or  
35 personal property.

36 The circuit court shall order the forfeiture of any other real or



1 personal property of an owner or defendant up to the value of the owner's or  
2 defendant's real or personal property found by the circuit court to be  
3 subject to forfeiture under this subchapter if any of the forfeitable real or  
4 personal property had remained under the control or custody of the owner or  
5 defendant and the forfeitable real or personal property:

6 (1) Cannot be located;

7 (2) Was transferred or conveyed to, sold to, or deposited with a  
8 third party;

9 (3) Is beyond the jurisdiction of the circuit court;

10 (4) Substantially diminished in value while not in the actual  
11 physical custody of the seizing law enforcement agency;

12 (5) Was commingled with other property that cannot be divided  
13 without difficulty; or

14 (6) Is subject to any interest exempted from forfeiture under §  
15 5-5-602.

16  
17 5-5-612. Conviction required – Exceptions.

18 (a) There shall be no civil judgment under this subchapter and no  
19 property shall be forfeited unless the person from whom the property is  
20 seized is convicted of a felony offense under the Human Trafficking Act of  
21 2013, § 5-18-101 et seq., that related to the property being seized and that  
22 permits the forfeiture of the property.

23 (b) The court may waive the conviction requirement under this section  
24 if the prosecuting attorney shows by clear and convincing evidence that,  
25 before a conviction, the person from whom the property was seized:

26 (1) Died;

27 (2) Was deported by the United States Government;

28 (3) Was granted immunity or reduced punishment in exchange for  
29 testifying or assisting a law enforcement agency or prosecution;

30 (4) Fled the jurisdiction or failed to appear on the underlying  
31 criminal charge;

32 (5) Failed to answer the complaint for civil asset forfeiture  
33 under § 5-64-505 as specified in the Arkansas Rules of Civil Procedure;

34 (6) Abandoned or disclaimed his or her ownership interest in the real  
35 or personal property seized; or

36 (7) Agreed in writing with the prosecuting attorney and other

1 parties as to the disposition of the real or personal property.

2  
3 SECTION 5. Arkansas Code § 5-18-103(d)(2), concerning the additional  
4 fine payment upon conviction for trafficking of persons, is amended to read  
5 as follows:

6 (2) Fine payments received under subdivision (d)(1) of this  
7 section shall be deposited ~~as follows:~~

8 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
9 ~~Sexually Exploited Children; and~~

10 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
11 ~~Support Fund~~ into the Arkansas Human Trafficking Council Support Fund.

12  
13 SECTION 6. Arkansas Code § 5-18-104(c)(2), concerning the additional  
14 fine payment upon conviction for patronizing a victim of human trafficking,  
15 is amended to read as follows:

16 (2) Fine payments received under subdivision (c)(1) of this  
17 section shall be deposited ~~as follows:~~

18 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
19 ~~Sexually Exploited Children; and~~

20 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
21 ~~Support Fund~~ into the Arkansas Human Trafficking Council Support Fund.

22  
23 SECTION 7. Arkansas Code § 5-18-106(c)(2), concerning the additional  
24 fine payment upon conviction for grooming a minor for future sex trafficking,  
25 is amended to read as follows:

26 (2) Fine payments received under subdivision (c)(1) of this  
27 section shall be deposited ~~as follows:~~

28 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
29 ~~Sexually Exploited Children; and~~

30 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
31 ~~Support Fund~~ into the Arkansas Human Trafficking Council Support Fund.

32  
33 SECTION 8. Arkansas Code § 5-18-107(f)(2), concerning the additional  
34 fine payment upon conviction for traveling for the purpose of an unlawful sex  
35 act with a minor, is amended to read as follows:

36 (2) Fine payments received under subdivision (f)(1) of this

1 section shall be deposited ~~as follows:~~

2 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
3 ~~Sexually Exploited Children; and~~

4 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
5 ~~Support Fund into the Arkansas Human Trafficking Council Support Fund.~~

6  
7 SECTION 9. Arkansas Code Title 5, Chapter 27, Subchapter 2, is amended  
8 to add an additional section to read as follows:

9 5-27-234. Harboring an endangered runaway minor.

10 (a) A person commits the offense of harboring an endangered runaway  
11 minor if he or she knowingly harbors a minor who is an endangered runaway  
12 minor for a period of at least seventy-two (72) hours.

13 (b) Harboring an endangered runaway minor is a:

14 (1) Class A misdemeanor for a first offense; and

15 (2) Class D felony for a second or subsequent offense.

16 (c)(1) In addition to any other sentence authorized by this section, a  
17 person who violates this section upon conviction shall be ordered to pay a  
18 fine of one thousand dollars (\$1,000).

19 (2) Fine payments received under subdivision (c)(1) of this  
20 section shall be deposited one hundred percent (100%) into the Arkansas Human  
21 Trafficking Council Support Fund.

22 (d) As used in this section, "endangered runaway minor" means an  
23 unemancipated minor who is voluntarily absent from his or her home for at  
24 least seventy-two (72) hours without a compelling reason and without the  
25 consent of his or her custodial parent, guardian, or legal custodian.

26 (e) It is an affirmative defense to prosecution under this section  
27 that a person acted in good faith to protect the welfare, safety, or health  
28 of the minor, and that he or she:

29 (1) Promptly notified law enforcement, child protective  
30 services, or another relevant authority upon discovering that the minor was  
31 an endangered runaway minor;

32 (2) Provided temporary care or shelter solely to protect the  
33 minor from imminent harm; or

34 (3) Did not have a purpose to interfere with the lawful custody  
35 or rights of a custodial parent or legal guardian of the minor.

36

SECTION 10. Arkansas Code § 5-70-102(e)(2), concerning the additional fine payment upon conviction for prostitution, is amended to read as follows:

(2) Fine payments received under subdivision (e)(1) of this section shall be deposited ~~as follows:~~

~~(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and~~

~~(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund~~ into the Arkansas Human Trafficking Council Support Fund.

SECTION 11. Arkansas Code § 5-70-103 is amended to read as follows:

5-70-103. Sexual solicitation.

(a) A person commits the offense of sexual solicitation if he or she:

(1) Offers or agrees to pay a fee to a person to engage in sexual activity with him or her or another person; or

(2) Solicits or requests a person to engage in sexual activity with him or her in return for a fee.

(b) Sexual solicitation is ~~an unclassified misdemeanor with the following sentences:~~ a:

~~(1) For a first offense:~~

~~(A) No more than ninety (90) days' imprisonment;~~

~~(B) A fine of no more than two thousand dollars (\$2,000);~~

~~or~~

~~(C) Both imprisonment and a fine; and~~

~~(2) For a second or subsequent offense:~~

~~(A) No more than one (1) year of imprisonment;~~

~~(B) A fine of no more than three thousand five hundred dollars (\$3,500); or~~

~~(C) Both imprisonment and a fine.~~

(1) Class A misdemeanor for a first offense; and

(2) Class D felony for a second or subsequent offense.

(c) It is an affirmative defense to prosecution under this section that the person engaged in an act of sexual solicitation as a result of being a victim of trafficking of persons, § 5-18-103.

(d)(1) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to

1 pay a fine of two thousand five hundred dollars (\$2,500).

2 (2) Fine payments received under subdivision (d)(1) of this  
3 section shall be deposited ~~as follows:~~

4 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
5 ~~Sexually Exploited Children; and~~

6 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
7 ~~Support Fund into the Arkansas Human Trafficking Council Support Fund.~~

8  
9 SECTION 12. Arkansas Code § 5-70-104(c)(2), concerning the additional  
10 fine payment upon conviction for promoting prostitution in the first degree,  
11 is amended to read as follows:

12 (2) Fine payments received under subdivision (c)(1) of this  
13 section shall be deposited ~~as follows:~~

14 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
15 ~~Sexually Exploited Children; and~~

16 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
17 ~~Support Fund into the Arkansas Human Trafficking Council Support Fund.~~

18  
19 SECTION 13. Arkansas Code § 5-70-105(c)(2), concerning the additional  
20 fine payment upon conviction for promoting prostitution in the second degree,  
21 is amended to read as follows:

22 (2) Fine payments received under subdivision (c)(1) of this  
23 section shall be deposited ~~as follows:~~

24 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
25 ~~Sexually Exploited Children; and~~

26 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~  
27 ~~Support Fund into the Arkansas Human Trafficking Council Support Fund.~~

28  
29 SECTION 14. Arkansas Code § 5-70-106(c)(2), concerning the additional  
30 fine payment upon conviction for promoting prostitution in the third degree,  
31 is amended to read as follows:

32 (2) Fine payments received under subdivision (c)(1) of this  
33 section shall be deposited ~~as follows:~~

34 ~~(A) Fifty percent (50%) into the Safe Harbor Fund for~~  
35 ~~Sexually Exploited Children; and~~

36 ~~(B) Fifty percent (50%) into the Human Trafficking Victim~~

~~Support Fund~~ into the Arkansas Human Trafficking Council Support Fund.

SECTION 15. Arkansas Code § 5-70-107(e)(2), concerning the additional fine payment upon conviction for sexual solicitation of a minor, is amended to read as follows:

(2) Fine payments received under subdivision (e)(1) of this section shall be deposited ~~as follows:~~

~~(A) Fifty percent (50%) into the Safe Harbor Fund for Sexually Exploited Children; and~~

~~(B) Fifty percent (50%) into the Human Trafficking Victim Support Fund~~ into the Arkansas Human Trafficking Council Support Fund.

SECTION 16. Arkansas Code § 5-70-107, concerning the offense of sexual solicitation of a minor, is amended to add an additional subsection to read as follows:

(f) A person who violates this section upon conviction shall be ordered to attend an education or treatment program for the prevention of sex offenses and rehabilitation of sex offenders approved by the Human Trafficking Operations Unit of the Division of Arkansas State Police.

Section 17. Arkansas Code § 12-19-101 is repealed.

~~12-19-101. State Task Force for the Prevention of Human Trafficking.~~

~~(a)(1) The Attorney General may establish a State Task Force for the Prevention of Human Trafficking.~~

~~(2) The task force shall address all aspects of human trafficking, including sex trafficking and labor trafficking of both United States citizens and foreign nationals.~~

~~(b) If established, representatives on the task force shall be appointed by the Attorney General and may include representatives from:~~

~~(1) The office of the Attorney General;~~

~~(2) The office of the Governor;~~

~~(3) The Department of Labor and Licensing;~~

~~(4) The Department of Health;~~

~~(5) The Department of Human Services;~~

~~(6) The Arkansas Association of Chiefs of Police;~~

~~(7) The Arkansas Sheriffs' Association;~~

~~(8) The Division of Arkansas State Police;~~  
~~(9) The Arkansas Prosecuting Attorneys Association;~~  
~~(10) Local law enforcement; and~~  
~~(11) Nongovernmental organizations such as:~~  
~~(A) Those specializing in the problems of human trafficking;~~  
~~(B) Those representing diverse communities disproportionately affected by human trafficking;~~  
~~(C) Agencies devoted to child services and runaway services; and~~  
~~(D) Academic researchers dedicated to the subject of human trafficking.~~  
~~(c) If the task force is created by the Attorney General, he or she may invite federal agencies that operate in the state to be members of the task force, including without limitation:~~  
~~(1) The Federal Bureau of Investigation;~~  
~~(2) United States Immigration and Customs Enforcement; and~~  
~~(3) The United States Department of Labor.~~  
~~(d) If the task force is created by the Attorney General, the task force shall:~~  
~~(1) Develop a state plan;~~  
~~(2) Coordinate the implementation of the state plan;~~  
~~(3) Coordinate the collection and sharing of human trafficking data among government agencies in a manner that ensures that the privacy of victims of human trafficking is protected and that the data collection shall respect the privacy of victims of human trafficking;~~  
~~(4) Coordinate the sharing of information between agencies to detect individuals and groups engaged in human trafficking;~~  
~~(5) Explore the establishment of state policies for time limits for the issuance of law enforcement agency endorsements as described in 8 C.F.R. § 214.11(f)(1), as it existed on January 1, 2013;~~  
~~(6) Establish policies to enable state government to work with nongovernmental organizations and other elements of the private sector to prevent human trafficking and provide assistance to victims of human trafficking who are United States citizens or foreign nationals;~~  
~~(7) Evaluate various approaches used by state and local~~

~~governments to increase public awareness of human trafficking, including trafficking of United States citizens and foreign national victims;~~

~~(8) Develop curriculum and train law enforcement agencies, prosecutors, public defenders, judges, and others involved in the criminal and juvenile justice systems on;~~

~~(A) Offenses under the Human Trafficking Act of 2013, § 5-18-101 et seq.;~~

~~(B) Methods used in identifying victims of human trafficking who are United States citizens or foreign nationals, including preliminary interview techniques and appropriate questioning methods;~~

~~(C) Methods for prosecuting human traffickers;~~

~~(D) Methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case;~~

~~(E) Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and special needs of women and minors;~~

~~(F) The necessity of treating victims of human trafficking as crime victims rather than criminals; and~~

~~(G) Methods for promoting the safety of victims of human trafficking; and~~

~~(9) Submit a report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.~~

SECTION 18. Arkansas Code Title 12, Chapter 19, is amended to add an additional subchapter to read as follows:

Subchapter 2 – Human Trafficking Operations Unit

12-19-201. Human Trafficking Operations Unit – Creation – Duties.

(a) There is established a Human Trafficking Operations Unit within the Division of Arkansas State Police.

(b) The Human Trafficking Operations Unit shall:

(1) Consist of commissioned officers and analysts of the division;

(2) Support and initiate criminal investigations of human trafficking, including sex trafficking and forced labor; and



1           (3) Support and initiate investigations involving missing  
2 children that are considered high-risk victims.

3  
4           12-19-202. Human Trafficking Coordinator – Creation – Duties.

5           (a) There is created the position of Human Trafficking Coordinator  
6 within the Division of Arkansas State Police.

7           (b) The Human Trafficking Coordinator shall:

8               (1) Coordinate the implementation of this subchapter;

9               (2) Serve as a commissioned officer within the Division of  
10 Arkansas State Police and perform duties as assigned;

11               (3) Supervise the Human Trafficking Operations Unit and Human  
12 Trafficking Analyst;

13               (4) Evaluate state efforts to combat human trafficking and  
14 identify areas for improvement;

15               (5) Collect data on human trafficking activity within the state  
16 on an ongoing basis, including types of activities reported, efforts to  
17 combat human trafficking, and impact on victims and on the state;

18               (6) Redact identifying information of any victim and his or her  
19 family from all publicly released portions of the collected data;

20               (7) Promote public awareness about human trafficking, remedies  
21 and services for victims, and hotline information;

22               (8) Create and maintain a website to publicize human trafficking  
23 prevention efforts;

24               (9) Prepare and submit the annual report of the Human  
25 Trafficking Operations Unit to the Game and Fish/State Police Subcommittee of  
26 the Legislative Council, the Senate Interim Committee on Children and Youth,  
27 and the House Committee on Aging, Children and Youth, Legislative and  
28 Military Affairs;

29               (10) Develop and implement policies pertaining to the use of the  
30 Arkansas Human Trafficking Council Support Fund to support investigations and  
31 services for victims of human trafficking in the state;

32               (11) Assist in the creation and operations of local human  
33 trafficking task forces or working groups around the state, including serving  
34 on a task force or a multidisciplinary child protection team;

35               (12) Prepare and submit applications for relevant available  
36 grants that may enhance the investigation and prosecution of trafficking

offenses or to improve victim services to combat human trafficking within this state; and

(13) Perform any other duties as required by the division.

(c)(1) The Human Trafficking Coordinator may seek input and assistance from state agencies, nongovernmental agencies, service providers, and other individuals in the performance of the duties of the Human Trafficking Coordinator.

(2) Each state agency, board, and commission shall be required to fully cooperate with the Human Trafficking Coordinator when assistance is requested under subdivision (c)(1) of this section.

(3) Every investigation of a human trafficking offense shall be reported to the Human Trafficking Coordinator by the initiating law enforcement agency under guidelines established by the Human Trafficking Coordinator.

(4) A state agency, nongovernmental agency, service provider, or local or state law enforcement agency providing information to the Human Trafficking Coordinator under this subchapter may disclose identifying information regarding a minor victim to the Human Trafficking Coordinator for the purposes of evaluating and collecting data regarding trafficking offenses in the state.

12-19-203. Human Trafficking Analyst – Creation – Duties.

(a) There is created the position of Human Trafficking Analyst within the Division of Arkansas State Police.

(b) The Human Trafficking Analyst shall:

(1) Provide the Human Trafficking Operations Unit with objective, reliable, comparable, current data, and information in the field of human trafficking;

(2) Direct support to a law enforcement officer investigating human trafficking on all tips, reports of possible human trafficking, and undercover operations; and

(3) Assist the Human Trafficking Coordinator with carrying out the functions of the Human Trafficking Operations Unit.

*SECTION 19. Arkansas Code § 19-5-1252(b) concerning the Safe Harbor Fund for Sexually Exploited Children, is amended to read as follows:*

1           (b) ~~The fund shall consist of fines collected under § 5-18-103(d), § 5-~~  
2 ~~18-104(e), § 5-18-106(e), § 5-18-107(f), § 5-70-102(e), § 5-70-103(d), § 5-~~  
3 ~~70-104(e), § 5-70-105(e), § 5-70-106(e), and § 5-70-107(e) and any other~~  
4 general revenues as may be authorized by law.

5  
6           SECTION 20. Arkansas Code § 19-5-1261 is repealed.

7           ~~19-5-1261. Human Trafficking Victim Support Fund — Definition.~~

8           ~~(a) There is created on the books of the Treasurer of State, the~~  
9 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~  
10 ~~known as the “Human Trafficking Victim Support Fund”.~~

11           ~~(b) The fund shall consist of fees collected under § 5-5-501(d), fines~~  
12 ~~collected under § 5-18-103(d), § 5-18-104(e), § 5-18-106(e), § 5-18-107(f), §~~  
13 ~~5-70-102(e), § 5-70-103(d), § 5-70-104(e), § 5-70-105(e), § 5-70-106(e), and~~  
14 ~~§ 5-70-107(e), and any other revenues authorized by law.~~

15           ~~(c)(1) The fund shall be administered by the Attorney General.~~

16           ~~(2) The Attorney General shall use the fund to provide:~~

17                   ~~(A) Grants to nonprofit, religious, and other third-party~~  
18 ~~organizations that provide services and treatment, such as securing~~  
19 ~~residential housing, health services, and social services for victims of~~  
20 ~~human trafficking;~~

21                   ~~(B) Training and education related to human trafficking to~~  
22 ~~law enforcement; and~~

23                   ~~(C) For the management and operation of the fund.~~

24           ~~(d) As used in this section, “victim of human trafficking” means a~~  
25 ~~person who has been subject to sexual exploitation because the person:~~

26                   ~~(1) Is a victim of trafficking of persons under § 5-18-103;~~

27                   ~~(2) Is a victim of child sex trafficking under 18 U.S.C. § 1591,~~  
28 ~~as it existed on January 1, 2017; or~~

29                   ~~(3) Engages in an act of prostitution under § 5-70-102 or sexual~~  
30 ~~solicitation under § 5-70-103 or § 5-70-107.~~

31  
32           SECTION 21. Arkansas Code Title 19, Chapter 5, Subchapter 12, is  
33 amended to add an additional section to read as follows:

34           19-5-1288. Arkansas Human Trafficking Council Support Fund —  
35 Definition.

36           (a) There is created on the books of the Treasurer of State, the

1 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous  
2 fund to be known as the "Arkansas Human Trafficking Council Support Fund".

3 (b) The fund shall consist of:

4 (1) Fees collected under § 5-5-501(d) and fines collected under  
5 §§ 5-18-103(d), 5-18-104(c), 5-18-106(c), 5-18-107(f), 5-27-234(c), 5-70-  
6 102(e), 5-70-103(d), 5-70-104(c), 5-70-105(c), 5-70-106(c), and 5-70-107(e);

7 (2) Moneys appropriated by the General Assembly;

8 (3) The interest accruing to the fund;

9 (4) Donations to the fund; and

10 (5) Any other revenues authorized by law.

11 (c)(1) The fund shall be administered by the Division of Arkansas  
12 State Police.

13 (2) The division shall use the fund to provide:

14 (A) Services and treatment, such as securing residential  
15 housing, advocacy and coordination, legal services, health services, and  
16 social services for victims of human trafficking;

17 (B) Grants to nonprofit, religious, and other third-party  
18 organizations that provide services and treatment, securing residential  
19 housing, advocacy and coordination, legal services, health services, and  
20 social services for victims of human trafficking;

21 (C) Training for the Human Trafficking Operations Unit;

22 (D) Equipment and supplies for the unit;

23 (E) Software and subscription licensing for the unit;

24 (F) Travel reimbursement and reconciliation for the unit;

25 (G) Outreach material for the unit; and

26 (H) Support for other duties of the unit prescribed by  
27 law.

28 (3) The fund shall not be used to purchase motor vehicles or  
29 emergency equipment for motor vehicles.

30 (d) As used in the section, "victim of human trafficking" means the  
31 same as defined in § 5-18-102.

32  
33 SECTION 22. DO NOT CODIFY. Temporary language.

34 (a) Any fund balance that remains in the Human Trafficking Victim  
35 Support Fund, § 19-5-1261, shall be transferred to the Arkansas Human  
36 Trafficking Council Support Fund.

(b) Any fund balance that remains in the Safe Harbor Fund for Sexually Exploited Children, § 19-5-1252, shall be transferred to the Arkansas Human Trafficking Council Support Fund.

/s/J. Bryant