

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S2/26/15 H3/11/15

A Bill

SENATE BILL 261

By: Senator J. Hutchinson

By: Representative Love

For An Act To Be Entitled

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

Subtitle

CONCERNING THE DISPOSITION OF SEIZED
PROPERTY.

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

SECTION 1. Arkansas Code § 5-73-110 is amended to read as follows:

5-73-110. Disarming minors and mentally defective or irresponsible persons – Disposition of property seized.

(a) Subject to constitutional limitation, nothing in this section and §§ 5-73-101 – 5-73-109 shall be construed to prohibit a law enforcement officer from disarming, without arresting, a minor or person who reasonably appears to be mentally defective or otherwise mentally irresponsible, when that person is in possession of a deadly weapon.

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

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

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

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

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



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

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

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

(2) After the seventy-two-hour hold and upon request and presentation of valid proof of ownership, returned to the:

(A) Owner, if he or she is eighteen (18) years of age or older and may lawfully possess the property; or

(B) Parent or legal guardian of the owner, if the owner is a minor, and the parent or legal guardian may lawfully possess the property.

/s/J. Hutchinson

APPROVED: 03/25/2015