

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/25/19

A Bill

SENATE BILL 308

By: Senator Hester

By: Representatives McCollum, *Gates*

For An Act To Be Entitled

AN ACT TO BE KNOWN AS "THE CIVIL ASSET FORFEITURE REFORM ACT OF 2019"; CONCERNING ASSET FORFEITURE IN CRIMINAL CASES; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS "THE CIVIL ASSET FORFEITURE REFORM ACT OF 2019"; AND CONCERNING ASSET FORFEITURE IN CRIMINAL CASES.

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

SECTION 1. Arkansas Code § 5-64-505, concerning civil asset forfeiture under the Uniform Controlled Substances Act, is amended to add an additional subsection to read as follows:

(m)(1) There shall be no civil judgment under this subchapter and no property shall be forfeited unless the person from whom the property is seized is convicted of a felony offense that related to the property being seized and that permits the forfeiture of the property.

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

(A) Died;

(B) Was deported by the United States Government;

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



(D) Fled the jurisdiction or failed to appear on the underlying criminal charge;

(E) Failed to answer the complaint for civil asset forfeiture under this section as specified in the Arkansas Rules of Civil Procedure;

(F) Abandoned or disclaimed interest or ownership in property seized; or

(G) Agreed in writing with the prosecuting attorney and other parties as to the disposition of the property.

/s/Hester

APPROVED: 3/15/19