

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 308

5 By: Senator Hester
6 By: Representative McCollum
7

For An Act To Be Entitled

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

15 TO BE KNOWN AS "THE CIVIL ASSET
16 FORFEITURE REFORM ACT OF 2019"; AND
17 CONCERNING ASSET FORFEITURE IN CRIMINAL
18 CASES.
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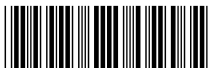
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-64-505, concerning civil asset forfeiture
24 under the Uniform Controlled Substances Act, is amended to add an additional
25 subsection to read as follows:

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

30 (2)(A) This subchapter does not prevent property from being
31 forfeited as part of a negotiated plea agreement between the person and the
32 state and that is approved by the court.

33 (B) However, the court shall not accept a negotiated plea
34 agreement or other arrangement that prevents the claims of any person who
35 filed a statement of interest or ownership or an answer to the complaint
36 under this section.



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

4 (A) Died;

5 (B) Was deported by the United States Government;

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

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

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

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

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

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