

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/8/23
A Bill

HOUSE BILL 1327

By: Representative Gazaway
By: Senator M. McKee

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING DISPOSITION OF
CONTRABAND AND SEIZED PROPERTY; TO ALLOW FORFEITED
FIREARMS TO BE TRADED TO FEDERALLY LICENSED FIREARMS
DEALERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DISPOSITION
OF CONTRABAND AND SEIZED PROPERTY; AND TO
ALLOW FORFEITED FIREARMS TO BE TRADED TO
FEDERALLY LICENSED FIREARMS DEALERS.

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

SECTION 1. Arkansas Code § 5-5-101(c), concerning the disposition of
contraband and seized property, is amended to read as follows:

(c)(1) Contraband shall be destroyed.

(2) Except as limited under subdivision (c)(3) of this section,
in the discretion of the court having jurisdiction, any contraband capable of
lawful use may be:

(A) Retained for use by the law enforcement agency
responsible for the arrest; ~~or~~

(B) Sold and the proceeds disposed of in the manner
provided by subsections (e)-(g) of this section; or

(C) Traded to a federally licensed firearms dealer as
provided by subsection (h) of this section.

(3) Contraband described in subdivisions (b)(1)(C)-(H) of this



section and having no lawful use shall not be retained.

SECTION 2. Arkansas Code § 5-5-101(d)(1)(A), concerning the disposition of contraband and seized property, is amended to read as follows:

(d)(1)(A) Except as provided in subdivision (d)(2) or subsection (h) of this section, unclaimed seized property shall be sold at public auction to be held by the chief law enforcement officer of the county, city, or town law enforcement agency that seized the unclaimed seized property or the chief law enforcement officer's designee.

SECTION 3. Arkansas Code § 5-5-101, concerning the disposition of contraband and seized property, is amended to add *additional subsections* to read as follows:

(h)(1) A law enforcement agency to which contraband or unclaimed seized property that is a firearm is forfeited may trade the firearm to a federally licensed firearms dealer for credit toward future purchases by the law enforcement agency.

(2) If the firearm is unable to be traded to a federally licensed firearms dealer, the law enforcement agency may dispose of the firearm as the law enforcement agency deems appropriate.

(i)(1) A law enforcement agency disposing of contraband or seized property under this section shall maintain a written report that includes without limitation:

(A) A list and description, including without limitation a serial number, of all property disposed, traded for credit, or sold at auction;

(B) The dollar amount of any credit obtained by the law enforcement agency and the contact information for the federally licensed dealer with which the credit is held;

(C) The dollar amount of any funds received at auction and where the funds were deposited; and

(D) An explanation for any credit used, including without limitation a description of items purchased with the credit and the dollar amount of the purchase.

(2) The written report required under subdivision (i)(1) of this section shall be provided:

(A) To the elected body that oversees the finances and operations of the law enforcement agency; and

(B) Within thirty (30) days of:

(i) The date a firearm or item of contraband is traded to a federally licensed dealer by a law enforcement agency; and

(ii) The date a credit with a federally licensed dealer is used by the law enforcement agency.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there are inconsistencies in current law concerning the disposition of firearms that are contraband and seized property; that in the past, law enforcement agencies have been able to use credits they are given for trading in seized firearms to purchase equipment that is necessary for the safety of the law enforcement officers and the public; the ability of law enforcement agencies to trade in firearms that are contraband or seized property is essential to the performance of their duties; and that this act is immediately necessary to amend the law to allow law enforcement agencies to trade in firearms that are contraband or seized property to receive credit to purchase equipment that is necessary for the law enforcement officers to perform their duty to preserve the public peace and safety. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Gazaway