

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/8/23

A Bill

HOUSE BILL 1327

5 By: Representative Gazaway
6 By: Senator M. McKee
7

For An Act To Be Entitled

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

16 TO AMEND THE LAW CONCERNING DISPOSITION
17 OF CONTRABAND AND SEIZED PROPERTY; AND TO
18 ALLOW FORFEITED FIREARMS TO BE TRADED TO
19 FEDERALLY LICENSED FIREARMS DEALERS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-5-101(c), concerning the disposition of
25 contraband and seized property, is amended to read as follows:

26 (c)(1) Contraband shall be destroyed.

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

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

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

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

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



1 section and having no lawful use shall not be retained.

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

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

10
11 SECTION 3. Arkansas Code § 5-5-101, concerning the disposition of
12 contraband and seized property, is amended to add *additional subsections* to
13 read as follows:

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

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

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

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

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

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

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

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

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

3 (B) Within thirty (30) days of:

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

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

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

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

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

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

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31 /s/Gazaway
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34 **APPROVED: 3/30/23**
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