

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.

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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.

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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:

