

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011

# A Bill

SENATE BILL 637

4  
5 By: Senator Files  
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## For An Act To Be Entitled

8 AN ACT REGARDING THE FORFEITURE OF CONVEYANCES AND  
9 THE RESTITUTION TO VICTIMS OF CERTAIN CRIMES; AND FOR  
10 OTHER PURPOSES.

## Subtitle

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13 REGARDING THE FORFEITURE OF CONVEYANCES  
14 AND THE RESTITUTION TO VICTIMS OF CERTAIN  
15 CRIMES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 5-5-204 is amended to read as follows:

22 5-5-204. Use or sale of conveyances – Disposition of sale proceeds.

23 (a)(1) Upon conviction, when the circuit court having jurisdiction  
24 over the conveyance seized finds upon a hearing by a preponderance of the  
25 evidence that a ground for a forfeiture exists under this subchapter, the  
26 circuit court shall enter an order ~~to~~ to sell the conveyance with the  
27 proceeds going to satisfy any outstanding restitution under § 5-4-205 owed to  
28 a victim of an offense for which the conveyance was used.

29 (2) If there is not a victim of an offense owed restitution  
30 under § 5-4-205, the court shall enter an order to:

31 ~~(1)~~(A) Permit the law enforcement agency or the  
32 prosecuting attorney for the judicial district in which the conveyance was  
33 seized to retain the conveyance for official use; or

34 ~~(2)~~(A)(B)(i) Permit the law enforcement agency to sell the  
35 conveyance at a public or private sale.

36 ~~(B)~~(ii) In the event of a sale, the circuit court



