

**SECTION 17 – TOBACCO FORFEITURE**

17.1 Section 17 is promulgated pursuant to A.C.A. §26-57-247(j)(6).

17.2 For purposes of forfeiture tracking, each law enforcement agency seizing property pursuant to A.C.A. §26-57-247 shall be assigned a unique numeric identifier.

17.3 FORM ATC-C10 is hereby adopted as standardized confiscation report form to be used by all law enforcement agencies when forfeitable property is confiscated pursuant to A.C.A. §26-57-247 as follows:

<b>ARKANSAS TOBACCO CONTROL CONFISCATION REPORT</b>	<b>Report No.</b> _____ <b>(assigned by ATC)</b>
Date & Time of seizure: _____	County of seizure: _____
Name & Address of persons from whom the property was seized: _____ _____ _____	
Seizing Officer: _____	
REASON OR BASIS FOR SEIZURE: (Check all applicable)	
<input type="checkbox"/> VEHICLE (or other conveyances) used or intended for use to transport untaxed tobacco product.	
<input type="checkbox"/> MONEY furnished or intended to be furnished in exchange for untaxed tobacco product or profits and proceeds traceable to such exchange or found in close proximity to a forfeitable tobacco product or a forfeitable record of an importation of a tobacco product, or used to facilitate a criminal violation of the Tobacco Products Tax Act of 1977 or the Unfair Cigarette Sales Act.	
<input type="checkbox"/> FIREARMS furnished or intended to be furnished in exchange for a tobacco product in violation of the Tobacco Products Tax Act of 1977 OR explain other basis for seizure (e.g. stolen firearm, felon in possession, etc...): _____ _____	
OTHER PROPERTY seized and basis for seizure: _____	
DESCRIPTION AND ESTIMATED VALUE OF PROPERTY SEIZED: (must contain serial and model numbers, if applicable, must contain odometer or hour meter if vehicle or equipment) _____ _____	
PROPERTY SEIZED WILL BE HELD AT THE FOLLOWING LOCATION(S). _____	
The undersigned officer states that he/she is the "seizing officer" and that this report is true and complete.	
_____ Signature of seizing officer	
The undersigned hereby states that he/she is the person(s) from whom the above property was seized and that his/her correct mailing address is given below.	
_____ Signature	

Printed name & mailing address:

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In the event that a party refuses to sign, the following must be completed:

The undersigned additional law enforcement officer hereby states that the party from whom the property was seized refused to sign this report and I hereby place my signature attesting to such refusal.

officer

\_\_\_\_\_  
Signature of secondary

The undersigned agent hereby certifies that he has sent a copy of this report to the Prosecuting Attorney and has obtained and is maintaining a copy of this report that has been acknowledged as being received by: \_\_\_\_\_ and further certifies that he has sent a copy of the foregoing to the Arkansas Tobacco Control Director on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of seizing officer

The Prosecuting Attorney's Office acknowledges receipt of a copy of the foregoing on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(must be signed by the Prosecuting Attorney or deputy prosecuting attorney.)

\_\_\_\_\_  
Signature of PA

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17.4 A report number for each seizure shall be assigned by ATC and recorded on the FORM ATC-C10 that will be completed by the seizing law enforcement agency.

17.5 The report number shall consist of the calendar year, the LEA numeric identifier, and the sequential confiscation number for that calendar year. (e.g. 2010001001)

### **SECTION 18 – SAVINGS CLAUSE**

18.1 Savings Clause. If any provision of these regulations should be held invalid for any reason, the remaining provisions of these regulations shall not be affected thereby and shall remain in full force and effect.

### **SECTION 19 – EFFECTIVE DATE**

19.1 Effective Date. These modifications to the Rules of the Arkansas Tobacco Control Board shall become effective November 15, 2010.

### **SECTION 20 – MODIFICATION OF RULES AND REGULATIONS**

20.1 Modification of These Rules. These Rules and Regulations may be modified or changed from time to time in accordance with the Administrative Procedures Act.