

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Givens**

A Bill

HOUSE BILL 1385

For An Act To Be Entitled

8 *"AN ACT TO AUTHORIZE A MUNICIPAL COURT OR SHERIFF TO*
9 *CONTRACT WITH AN INDIVIDUAL OR CORPORATION TO PROVIDE*
10 *CERTAIN SERVICES; TO REQUIRE SUCH INDIVIDUALS OR*
11 *CORPORATIONS TO MEET CERTAIN STANDARDS; AND FOR OTHER*
12 *PURPOSES."*

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

16 SECTION 1. A municipal court may *if authorized by the governing body*
17 *that exercises control over the municipal court* contract with an individual or
18 corporation for the individual or corporation to provide any of the following
19 services:

- 20 (1) probation services;
- 21 (2) pre trial supervised release programs;
- 22 (3) alternate sentencing programs;
- 23 (4) the collection and enforcement of fines and costs;
- 24 (5) any other service that might enhance the effectiveness of the
25 court; and
- 26 (6) *Service of criminal warrants, writs and other orders.*

28 SECTION 2. A sheriff may contract with an individual or corporation for
29 the individual or corporation to serve writs of execution and warrants,
30 *provided that all individuals actually serving warrants are certified police*
31 *officers or sheriff's deputies.*

33 SECTION 3. (a) Before services authorized by this section are rendered,
34 the individual or corporation shall register with the Secretary of State and
35 shall file with the Secretary of State a surety bond or certificate of

1 deposit. The amount of the surety bond or certificate of deposit shall be
2 fifty thousand dollars (\$50,000). Any person suffering damage by reason of
3 the acts or omissions of the individual or the corporation or its employees in
4 the performance of services under this act may bring action on the bond for
5 damages.

6 (b) An individual or corporation shall be ineligible to provide services
7 under this act if the individual or the owner, operator, or a stockholder of
8 the corporation has been convicted of a felony.

9 (c) An individual or an employee of a corporation who, pursuant to this
10 section, serves warrants or writs of execution shall be certified as a law
11 enforcement officer under §12-9-106 and shall be deputized.

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13 *SECTION 4. A municipal court of any city shall not enter into any*
14 *contract, as contemplated herein, until the city council that has authority*
15 *over the municipal court shall have authorized the municipal court to enter*
16 *into a contract in the time and manner prescribed by law.*

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18 SECTION 5. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 6. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 7. All laws or parts of laws in conflict with this act are
29 hereby repealed.

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/s/ A. Givens

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