

*As Engrossed: 2/13/91 3/21/91*

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

# A Bill

**HOUSE BILL 1452**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §16-84-201 TO  
9 PROVIDE THAT NO JUDGMENT OR FORFEITURE MAY BE ENTERED  
10 AGAINST BAIL SURETIES IF THEY CAUSE THE APPREHENSION OF  
11 THE DEFENDANT OR THE DEFENDANT IS APPREHENDED WITHIN ONE  
12 HUNDRED EIGHTY (180) DAYS OF THE FAILURE TO APPEAR; AND  
13 FOR OTHER PURPOSES."

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

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17 SECTION 1. Arkansas Code Annotated §16-84-201 is amended to read as  
18 follows:

19 "16-84-201. Action on bond.

20 (a) If the defendant fails to appear for trial or judgment, or at any  
21 other time when his presence in court may be lawfully required, or to  
22 surrender himself in execution of the judgment, the court may direct the fact  
23 to be entered on the minutes, and shall issue an order requiring the surety  
24 to appear, on a date set by the court not less than ninety (90) days nor more  
25 than one hundred twenty (120) days after the issuance of the order, to show  
26 cause why the sum specified in the bail bond or the money deposited in lieu of  
27 bail should not be forfeited. The order shall also require the officer who  
28 was responsible for taking of bail to appear unless: (1) the surety is a bail  
29 bondsman; or (2) the officer accepted cash in the amount of bail.

30 (b) The appropriate law enforcement agencies shall make every  
31 reasonable effort to apprehend the defendant.

32 (c) If the defendant is surrendered, arrested or good cause is shown  
33 for his failure to appear before judgment is entered against the surety, the  
34 court shall exonerate a reasonable amount of the surety's liability under the  
35 bail bond. However, if the surety causes the

1 apprehension of the defendant or the defendant is apprehended within one  
2 hundred *twenty (120)* days from the date of his failure to appear, no judgment  
3 or forfeiture of the bond may be entered against the surety, *except as*  
4 *provided in subsection (e).*

5 (d) If, after one hundred *twenty (120)* days, the defendant has not  
6 surrendered or been arrested prior to judgment against the surety, the bail  
7 bond or money deposited in lieu of bail may be forfeited.

8 (e) If before judgment is entered against the surety, the defendant is  
9 located in another state, and the location is known, the appropriate law  
10 enforcement officers shall cause the arrest of the defendant and the surety  
11 shall be liable for the cost of returning the defendant to the court in an  
12 amount not to exceed the face value of the bail bond."

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14 SECTION 2. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 3. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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*/s/ James Dietz*

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