

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

A Bill

HOUSE BILL 1459

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS BAIL BOND LAW TO PROVIDE FOR
9 THE DISPOSITION OF CASH BAIL; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code 16-84-115 is hereby amended to read as follows:
15 "16-84-115. Deposit of money in lieu of bail.

16 Notwithstanding any rule of criminal procedure to the contrary:

17 (1) (A) Whenever the defendant is admitted to bail in a specified sum, he
18 may deposit the sum with the proper city or county official in the city or
19 county in which the trial is directed to be had and take from the official a
20 receipt of the deposit, upon delivering which to the officer in whose custody
21 he is, he shall be discharged.

22 (B) After bail has been taken, a deposit may in like manner be made of
23 the sum mentioned in the bail bond, which shall exonerate the surety.

24 (2) Where money is deposited, the proper city or county official shall
25 hold and pay the money according to the orders of the court having
26 jurisdiction to try the offense, and he and his sureties shall be liable for
27 the money on their official bond.

28 (3) Upon judgment being rendered against a defendant for fine and costs,
29 the court rendering judgment may order any money deposited agreeably to this
30 section to be applied to the payment thereof. This subdivision shall not apply
31 to a bail bond of a bail bondsman.

32 (4) The mayor shall designate the city official or officials who may
33 accept a deposit of money in lieu of bail and the county judge shall designate
34 the county official or officials authorized to accept a deposit of money in
35 lieu of bail."

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SECTION 2. Arkansas Code 16-84-202 is hereby amended to read as follows:

"16-84-202. Disposition of deposit.

Where money is deposited in lieu of bail with a city official, after the forfeiture and final judgment of the court, the city official shall make settlement with the city treasurer who shall deposit the funds to the credit of the city general fund. Where money is deposited in lieu of bail with a county official, after the forfeiture and final adjournment of the court, the county official shall make settlement with the county treasurer who shall deposit the funds to the credit of the county general fund."

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Michael Davis