

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

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-66-416 TO PROVIDE THAT A
9 SHERIFF SHALL NOT BE PERSONALLY LIABLE FOR FAILURE TO
10 RETURN EXECUTION AS REQUIRED BY LAW; TO PROVIDE THAT THE
11 COUNTY SHALL BE LIABLE FOR ANY LOSS OR DAMAGES INCURRED BY
12 A JUDGMENT CREDITOR AS A RESULT OF THE FAILURE OF THE
13 SHERIFF TO RETURN EXECUTION IN THE MANNER AND WITHIN THE
14 TIME PRESCRIBED BY LAW; AND FOR OTHER PURPOSES."

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

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18 SECTION 1. Arkansas Code 16-66-416 is hereby amended by adding a new
19 subsection at the end thereof to read as follows:

20 "(c) A sheriff shall not be personally liable for failure to return an
21 execution in the manner or within the time prescribed in this section.
22 Provided, the county shall be liable for any loss or damages incurred by the
23 judgment creditor as a result of the failure of the sheriff to return
24 execution in the manner or within the time prescribed by law."

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

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30 SECTION 3. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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2 hereby repealed.

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