

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Fairchild**

A Bill

HOUSE BILL 1535

For An Act To Be Entitled

"THE PAWNBROKER_S ACT."

Subtitle

"THE PAWNBROKER_S ACT."

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

15 SECTION 1. (a) Whenever any law enforcement officer has probable cause
16 to believe that property held by a pawnbroker is stolen, the officer may place
17 a *hold on the property until the investigation or prosecution is completed,*
18 *but not to exceed one (1) year.*

19 (b) To place a hold on such property the officer shall give the
20 pawnbroker verbal notice followed by written notice within forty-eight (48)
21 hours at the time the hold is imposed that describes with specificity the item
22 or items to be held. During the hold the pawnbroker shall not release or
23 dispose of the property except upon court order or when needed by the
24 appropriate authorities for purposes of criminal investigation or prosecution.
25 In taking the property for such purposes the authorities shall give the
26 pawnbroker a written receipt for the property that describes the property and
27 records the time of the taking.

28 (c) Whenever property in possession of a pawnbroker is required for
29 purposes of criminal investigation or prosecution, the pawnbroker upon
30 reasonable notice shall produce the property and surrender possession of it to
31 the appropriate authorities who request the property for such purposes.
32 Whenever the property is no longer required for these purposes it shall be
33 returned to the pawnbroker.

34 (d) If any prosecution results in the conviction of a person with
35 respect to a wrongful taking of the property and if the pawnbroker returns the

1 property to the victim or someone claiming through the victim, the convicted
2 person's sentence or other sanction shall include restitution to the
3 pawnbroker of any value that the pawnbroker gave for the property plus
4 appropriate interest calculated from the time the value was given.

5 (e) A pawnbroker may acquire good title to property acquired for value
6 in the ordinary course of business, except that the pawnbroker's title is
7 subject to the rights of any person having an interest in the property before
8 the pawnbroker acquired it. The pawnbroker nevertheless is not required to
9 return the property to such a person, and is not otherwise liable to him,
10 unless the person is entitled to possession as against the pawnbroker and the
11 person provides an affidavit to the effect that the person:

12 (1) has not and will not claim insurance or other
13 compensation for loss of the property,

14 (2) has sought a warrant for the arrest and
15 prosecution of persons who wrongfully took the property, and

16 (3) will cooperate fully in any investigation and
17 prosecution with respect to the taking.

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

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23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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

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/s/Bob Fairchild

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