

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2044

4  
5 By: Representative Curran

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 16-58-106(c) TO PROVIDE  
10 THAT AN ORDER OF ATTACHMENT, ORDER FOR THE DELIVERY OF  
11 PROPERTY, OR WRIT OF EXECUTION MAY BE ISSUED OR EXECUTED  
12 ON ANY HOLIDAY INCLUDING SUNDAY; AND FOR OTHER PURPOSES."

## Subtitle

15 "TO PERMIT ORDER OF ATTACHMENT, ORDER  
16 FOR DELIVERY OF PROPERTY, OR WRIT OF  
17 EXECUTION TO BE ISSUED OR EXECUTED ON  
18 SUNDAY."

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21  
22 SECTION 1. Arkansas Code 16-58-106(c) is amended to read as follows:

23 "(c) An order of attachment, or for the delivery of property, ~~may be~~  
24 ~~executed on any holiday except Sunday and may be issued on Sunday when the~~  
25 ~~officer having the process believes, or an affidavit of the plaintiff or some~~  
26 ~~other person is made to the effect that the affiant believes, that the~~  
27 ~~property is about to be concealed or removed or that the process cannot be~~  
28 ~~executed after such holiday~~ or a writ of execution may be issued or executed  
29 on any holiday, including Sunday."

30  
31 SECTION 2. All provisions of this act of a general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.

34  
35 SECTION 3. If any provision of this act or the application thereof to  
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without  
2 the invalid provision or application, and to this end the provisions of this  
3 act are declared to be severable.

4

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6 hereby repealed.

7

8 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
9 Assembly that Arkansas Code 16-58-106(c) permits an order of attachment or  
10 order for delivery of property to be issued or executed on Sunday only under  
11 very limited circumstances; that this provision is unfair to judgment  
12 creditors in that failure to issue or execute such order on Sunday may result  
13 in the property being concealed or removed from the jurisdiction; that this  
14 act is designed to permit the issuance and execution of such orders on any day  
15 including Sunday without restrictions and should be given effect immediately  
16 to protect judgment creditors in the state. Therefore, an emergency is  
17 declared to exist and this act being immediately necessary for the  
18 preservation of the public peace, health and safety shall become effective on  
19 the date of its approval by the Governor. If the bill is neither approved nor  
20 vetoed by the Governor, it shall become effective on the expiration of the  
21 period of time during which the Governor may veto the bill. If the bill is  
22 vetoed by the Governor and the veto is overridden, it shall become effective  
23 on the date the last house overrides the veto.

24

25

26

27

28

29

30

31

32

33

34

35