

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

SENATE BILL 752

4  
5 By: Senator Horn  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING PROFESSIONAL BAIL BOND  
10 COMPANIES AND BONDSMAN; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 AN ACT CONCERNING PROFESSIONAL BAIL BOND  
14 COMPANIES AND BONDSMAN.  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 16-84-102 is amended to read as follows:  
20 16-84-102. Persons authorized to take bail.

21 (a) The following ~~may~~ shall take bail:

22 (1) A competent court, clerk of the court, or magistrate;

23 (2) A sheriff or deputy sheriff with respect to any person  
24 committed to the common jail of the county;

25 (3) Any police officer designated by a municipal police  
26 department with respect to any person committed to a municipal jail;

27 (4) A law enforcement officer making an arrest as authorized  
28 under § 16-81-109.

29 (b) A constable shall not take bail.  
30

31 SECTION 2. Arkansas Code § 16-84-103(b)(2), concerning qualifications  
32 of surety, is amended to read as follows:

33 (2) Proof that the surety is a licensed professional bail  
34 bondsman shall be deemed sufficient proof of the sufficiency of the surety  
35 and the surety ~~may~~ shall be accepted by all courts in this state or by any  
36 individual authorized to take bail under the provisions of § 16-84-102.



1  
 2 SECTION 3. Arkansas Code § 16-84-107(b), concerning form of bond, is  
 3 amended to read as follows:

4 (b) If the surety is a professional bail bondsman, the undertaking of  
 5 the surety shall be in a form ~~prescribed~~ approved by the regulations of the  
 6 Professional Bail Bond Company and Professional Bail Bondsman Licensing  
 7 Board.

8  
 9 SECTION 4. Arkansas Code § 16-84-114(a), concerning surrender of  
 10 defendant, is amended to read as follows:

11 (a)(1) At any time before the forfeiture of their bond, the surety may  
 12 surrender the defendant or the defendant may surrender himself to the jailer  
 13 of the county in which the offense was committed.

14 (2) However, the surrender must be accompanied by a certified  
 15 copy of the bail bond to be delivered to the jailer, who must detain the  
 16 defendant in custody thereon as upon a commitment and give a written  
 17 acknowledgment of the surrender.

18 (3) The surety shall thereupon be exonerated.

19 (4)(A) The surety may surrender the defendant, if the defendant  
 20 is found to be detained on another charge in another jurisdiction, by written  
 21 notice of surrender to the sheriff, chief of police, or jailer of the  
 22 jurisdiction wherein the defendant is being detained.

23 (B) The notice of surrender shall act as a hold order, and  
 24 upon presentation of the written order of surrender to the court of competent  
 25 jurisdiction, the court shall order a hold order placed on the defendant for  
 26 the court and shall relieve the surety of liability on the defendant's bond.

27 (C) However, upon release from incarceration in the other  
 28 jurisdiction, the return of the defendant to the proper jurisdiction shall be  
 29 the responsibility of the surety by either:

30 (i) Personally returning the defendant, at no cost,  
 31 to the proper jurisdiction; or

32 (ii) By reimbursing the county the reasonable cost  
 33 of returning the defendant, if the other jurisdiction will not release the  
 34 defendant to any person other than a law enforcement officer.

35  
 36 SECTION 5. Arkansas Code § 16-84-201 is amended to read as follows:

1 16-84-201. Action on bond.

2 (a)(1)(A) If the defendant fails to appear for trial or judgment, or  
3 at any other time when his presence in court may be lawfully required, or to  
4 surrender himself in execution of the judgment, the court may direct the fact  
5 to be entered on the minutes, and shall ~~promptly issue an order~~ notify the  
6 surety within thirty (30) working days of the entry of the nonappearance of  
7 the defendant by certified mail requiring the surety to appear, on a date set  
8 by the court not more than one hundred twenty (120) days after the issuance  
9 of the order, to show cause why the sum specified in the bail bond or the  
10 money deposited in lieu of bail should not be forfeited.

11 (B) The one hundred twenty-day period in which the  
12 defendant must be surrendered or apprehended pursuant to subdivision (c)(2)  
13 of this section begins to run from the date notice is sent by certified mail  
14 to the surety company at the address shown on the bond, whether or not it is  
15 received by the surety.

16 (2) The order shall also require the officer who was responsible  
17 for taking of bail to appear, unless:

18 (A) The surety is a bail bondsman; or

19 (B) The officer accepted cash in the amount of bail.

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

22 (c)(1) If the defendant is surrendered or arrested, or good cause is  
23 shown for his failure to appear before judgment is entered against the  
24 surety, the court shall exonerate a reasonable amount of the surety's  
25 liability under the bail bond.

26 (2) However, if the surety causes the apprehension of the  
27 defendant or the defendant is apprehended within one hundred twenty (120)  
28 days from the date of receipt of written notification to the surety of the  
29 defendant's failure to appear, no judgment or forfeiture of bond may be  
30 entered against the surety, except as provided in subsection (e) of this  
31 section.

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

35 (e) If, before judgment is entered against the surety, the defendant  
36 is located in another state, and the location is known, the appropriate law

1 enforcement officers shall cause the arrest of the defendant and the surety  
2 shall be liable for the cost of returning the defendant to the court in an  
3 amount not to exceed the face value of the bail bond.

4 (f) In determining the extent of liability of the surety on a bond  
5 forfeiture, the court may take into consideration the expenses incurred by  
6 the surety in attempting to locate the defendant and may allow the surety  
7 credit for the expenses incurred.

8 (g) If within six (6) months of the date of the order of judgment  
9 against the surety, the defendant is surrendered to the court, the amount of  
10 the bail shall be refunded by the court to the surety upon application by the  
11 surety.

12  
13 SECTION 6. Arkansas Code § 17-19-110, is amended to read as follows:  
14 17-19-110. Licensed bail bond agent.

15 (a) If a licensed bail bond agent has a current license with a current  
16 licensed professional bail bond company, the agent ~~may write a bail bond in~~  
17 ~~any county with a current copy of his or her license~~ shall be able to write a  
18 bail bond in any county in this state if the requirements of this section are  
19 complied with.

20 (b) A licensed bail bond agent shall carry a current copy of his or  
21 her company's license, his or her bail bond agent license, and a current copy  
22 of his or her qualifying power of attorney that is on file with the  
23 Professional Bail Bond Company and Professional Bail Bondsman Licensing  
24 Board.

25 (c)(1) Only one (1) power of attorney per bond not exceeding the  
26 agent's qualifying power of attorney shall be permitted, unless a court has  
27 separated the charges and amounts of bonds.

28 (2) Powers of attorney shall not be stacked.  
29  
30  
31  
32  
33  
34  
35  
36