1 State of Arkansas

As Engrossed: H1/22/99 S2/26/99 S3/3/99

2 82nd General Assembly

A Bill

Act 1445 of 1999

3 Regular Session, 1999

HOUSE BILL 1163

4

5 By: Representative Vess

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8 ## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 16-84-114 TO

10 DESIGNATE WHO MAY APPREHEND A DEFENDANT ON BAIL; AND

11 FOR OTHER PURPOSES. "

12

13 ## Subtitle

14 "TO DESIGNATE WHO MAY APPREHEND A

15 DEFENDANT ON BAIL. "

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

19

20 SECTION 1. Arkansas Code 16-84-114 is amended to read as follows:

21 "16-84-114. Surrender of defendant.

22 (a)(1) At any time before the forfeiture of their bond, the surety may

23 surrender the defendant, or the defendant may surrender himself, to the jailer

24 of the county in which the offense was committed.

25 (2) However, the surrender must be accompanied by a certified

26 copy of the bail bond to be delivered to the jailer, who must detain the

27 defendant in custody thereon as upon a commitment and give a written

28 acknowledgment of the surrender.

29 (3) The surety shall thereupon be exonerated.

30 (b)(1) For the purpose of surrendering the defendant, the surety may

31 obtain from the officer having in his custody the bail bond or recognizance a

32 certified copy thereof, and thereupon at any place in the state may arrest the

33 defendant, or by his written endorsement thereon, authorize another person to

34 do so provided that person is:

35 (1) A licensed bail bondsman; or

36 (2) A licensed private investigator; or

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1   ~~(3) A certified law enforcement officer; or~~

2   ~~(4) An individual with a minimum of two (2) years of actual work~~

3   ~~experience as a bail bondsman, private investigator, or law enforcement~~

4   ~~officer and who is at least twenty-one (21) years of age and who has no prior~~

5   ~~felony convictions or convictions for any offense involving moral turpitude or~~

6   ~~violence~~.

7   *(2) No person other than an Arkansas licensed private*

8   *investigator or a certified law enforcement officer or a person acting under*

9   *the direct supervision of an Arkansas licensed private investigator or*

10   *certified law enforcement officer* shall be authorized to apprehend, detain, or

11   arrest a defendant on a bail bond, wherever issued, unless that person is

12   licensed as a bail bond agent by the state where the bail bond was written.

13   (3) No person shall represent himself or herself to be a bail

14   enforcement agent, bounty hunter, or similar title in this state.

15   (4) Any bail bond agent attempting to apprehend a defendant shall

16   notify the local law enforcement agency or agencies of his presence and

17   provide them with the defendant's name, charges and suspected location.

18   (5) Any person who violates any provision of this section shall be

19   guilty of a Class D felony.

20   (c) The surety may arrest the defendant without the certified copy.

21   (d) If the surety has good cause for surrendering the defendant and has

22   complied with the provisions herein in surrendering the defendant, there shall

23   be no requirement that the surety return part or all of the premium paid for

24   the bail bond."

25

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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36   SECTION 4. All laws and parts of laws in conflict with this act are

1   hereby repealed.

2   */s/ Vess*

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5   **APPROVED: 4/15/1999**

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