

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Vess**

A Bill

ACT 1106 OF 1995
HOUSE BILL 1729

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-84-201 TO ALLOW THE
9 COURT TO TAKE INTO CONSIDERATION EXPENSES INCURRED BY
10 SURETIES WHEN DETERMINING THEIR LIABILITY ON A BOND
11 FORFEITURE; AND FOR OTHER PURPOSES."

Subtitle

14 "TO ALLOW THE COURT TO TAKE INTO
15 CONSIDERATION EXPENSES INCURRED BY
16 SURETIES WHEN DETERMINING THEIR
17 LIABILITY ON A BOND FORFEITURE."

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

21 SECTION 1. Arkansas Code 16-84-201 is amended to read as follows:

22 "16-84-201. Action on bond.

23 (a) If the defendant fails to appear for trial or judgment, or at any
24 other time when his presence in court may be lawfully required, or to
25 surrender himself in execution of the judgment, the court may direct the fact
26 to be entered on the minutes, and shall promptly issue an order requiring the
27 surety to appear, on a date set by the court not less than ninety (90) days
28 nor more than one hundred twenty (120) days after the issuance of the order,
29 to show cause why the sum specified in the bail bond or the money deposited in
30 lieu of bail should not be forfeited. The 120-day period begins to run from
31 the date notice is sent by certified mail to the surety company at the address
32 shown on the bond, whether or not it is received by the surety. The order
33 shall also require the officer who was responsible for taking of bail to
34 appear unless:

35 (1) The surety is a bail bondsman; or

36 (2) The officer accepted cash in the amount of bail.

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

3 (c) If the defendant is surrendered, arrested, or good cause is shown
4 for his failure to appear before judgment is entered against the surety, the
5 court shall exonerate a reasonable amount of the surety's liability under the
6 bail bond. However, if the surety causes the apprehension of the defendant,
7 or the defendant is apprehended within one hundred twenty (120) days from the
8 date of receipt of written notification to the surety of the defendant's
9 failure to appear, no judgment or forfeiture of bond may be entered against
10 the surety, except as provided in subsection (e) of this section.

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

14 (e) If, before judgment is entered against the surety, the defendant is
15 located in another state, and the location is known, the appropriate law
16 enforcement officers shall cause the arrest of the defendant and the surety
17 shall be liable for the cost of returning the defendant to the court in an
18 amount not to exceed the face value of the bail bond.

19 (f) In determining the extent of liability of the surety on a bond
20 forfeiture, the court may take into consideration the expenses incurred by the
21 surety in attempting to locate the defendant and may allow the surety credit
22 for the expenses incurred."
23

24 SECTION 2. All provisions of this act of general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.
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28 SECTION 3. If any provisions of this act or the application thereof to
29 any person or circumstance is held invalid, the invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provisions or application, and to this end the provisions of this
32 act are declared to be severable.
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34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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/s/Rep. Vess

APPROVED: 4-10-95

As Engrossed: 3/22/95

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