

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2650

4
5 By: Representative E. Brown
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS
10 LAW PERTAINING TO BAIL BONDS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 TO AMEND VARIOUS PROVISIONS OF ARKANSAS
15 LAW PERTAINING TO BAIL BONDS.
16
17

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

20 SECTION 1. Arkansas Code § 5-54-120 is amended to read as follows:

21 5-54-120. Failure to appear.

22 (a) A person commits the offense of failure to appear if he or she
23 fails to appear without reasonable excuse subsequent to having been:

24 (1) Cited or summonsed as an accused; or

25 (2) Lawfully set at liberty upon condition that he or she appear
26 at a specified time, place, and court.

27 (b)(1) Failure to appear is a Class C felony if the required
28 appearance was to answer a charge of felony or for disposition of any felony
29 charge either before or after a determination of guilt of the felony charge.

30 (2) Failure to appear is a Class D felony if the required
31 appearance was:

32 (A) To answer a charge of a Class A misdemeanor; or

33 (B) For disposition of any Class A misdemeanor charge either
34 before or after a determination of guilt of the Class A misdemeanor charge if
35 the person leaves the State for the purpose of avoiding the charge or
36 disposition of the charge either before or after a determination of guilt.



1 (c)(1) Failure to appear is a Class A misdemeanor if the required
 2 appearance was for disposition of a Class A misdemeanor charge either before
 3 or after a determination of guilt of the Class A misdemeanor charge.

4 (2) Failure to appear is a Class A misdemeanor if the required
 5 appearance was to answer a charge of misdemeanor or for disposition of any
 6 misdemeanor charge either before or after a determination of guilt of the
 7 misdemeanor charge.

8 ~~(2)~~(3) Failure to appear is a Class C misdemeanor if the
 9 required appearance was to answer a violation.

10 (d) This section does not apply to an order to appear imposed as a
 11 condition of suspension or probation pursuant to § 5-4-303 or an order to
 12 appear issued prior to a revocation hearing pursuant to § 5-4-310.

13
 14 SECTION 2. Arkansas Code § 16-84-105 is amended to read as follows:
 15 16-84-105. Responsibility of officer taking bail.

16 (a) The officer who takes bail shall be officially responsible for the
 17 sufficiency of the surety if taken other than through a professional bail
 18 bondsman.

19 (b) If the surety is not a professional bail bondsman, and the
 20 defendant has not yet appeared before a judicial officer pursuant to Rule 9
 21 of the Arkansas Rules of Criminal Procedure, the officer shall file a
 22 statement with the court describing the property of the surety upon which the
 23 sufficiency of the surety is based. The description of the property shall
 24 include the value of the property. The statement shall also be signed by the
 25 sheriff or chief of police in the jurisdiction where the defendant is
 26 charged.

27 (c) The officer who takes bail shall give a prenumbered written
 28 receipt for the collateral. The receipt shall give in detail a full account
 29 of the collateral received.

30 (d) An officer who takes bail shall not be liable for any bond ordered
 31 by a judicial officer under Rule 9.2(b)(i) or (ii) of the Arkansas Rules of
 32 Criminal Procedure.

33 (e) An officer may accept an unsecured bond accompanied by a deposit
 34 of cash or securities equal to ten percent (10%) of the face amount of the
 35 bond as provided under the Arkansas Rules of Criminal Procedure if:

36 (1) The defendant makes his or her first appearance before a

1 judicial officer; and

2 (2) The unsecured bond is ordered by the judicial officer.

3 (f)(1) The officer who takes bail shall fingerprint and photograph the
4 defendant under § 12-12-1006 and submit the information to the Arkansas Crime
5 Information Center to verify the identity of the defendant prior to his or
6 her release on bail.

7 (2) The failure of the officer to verify the identity of the
8 defendant accordingly shall void the bond.

9
10 SECTION 3. Arkansas Code § 16-84-201 is amended to read as follows:

11 16-84-201. Action on bond in district courts.

12 (a)(1)(A) If the defendant fails to appear for trial or judgment, or
13 at any other time prior to the entry of judgment when his or her presence in
14 district court may be lawfully required, ~~or to surrender himself or herself~~
15 ~~in execution of the judgment~~, the district court ~~may~~ shall direct the fact
16 that the defendant failed to appear to be entered on the minutes, issue a
17 warrant for the arrest of the defendant, order that the warrant be properly
18 entered into the Arkansas Crime Information Center System by local law
19 enforcement, and ~~shall~~ promptly issue an order requiring the surety to
20 appear, on a date set by the district court not more than one hundred twenty
21 (120) days after the issuance of the order, to show cause why the sum
22 specified in the bail bond or the money deposited in lieu of bail should not
23 be forfeited.

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

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

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

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

33 (b) The appropriate law enforcement agencies shall make every
34 reasonable effort to apprehend the defendant, which includes the prompt entry
35 of any warrant into the Arkansas Crime Information System.

36 (c)(1) ~~If the defendant is surrendered or arrested, or good cause is~~

1 ~~shown for his or her failure to appear before judgment is entered against the~~
 2 ~~surety, the district court shall exonerate a reasonable amount of the~~
 3 ~~surety's liability under the bail bond.~~

4 ~~(2) However, if~~ If the surety causes the apprehension of the
 5 defendant or the defendant is apprehended within one hundred twenty (120)
 6 days from the date of receipt of written notification to the surety of the
 7 defendant's failure to appear, no judgment or forfeiture of bond may be
 8 entered against the surety, except as provided in subsection (e) of this
 9 section.

10 (2) Except as provided in subsection (e) of this section, any
 11 judgment entered when the defendant has been apprehended, arrested, or
 12 surrendered within one hundred twenty (120) days of receipt of written
 13 notification to the surety of the defendant's failure to appear is void.

14 (3) If good cause is shown for the defendant's failure to appear
 15 before judgment is entered against the surety, the district court shall
 16 exonerate a reasonable amount of the surety's liability under the bail bond.

17 (d) If after one hundred twenty (120) days, the defendant has not
 18 surrendered or been arrested, the bail bond or money deposited in lieu of
 19 bail may be forfeited without further notice or hearing.

20 (e) If the defendant is located in another state and the location is
 21 known ~~within one hundred twenty (120) days after the date of receipt of~~
 22 ~~written notification to the surety of the defendant's failure to appear~~
 23 before the entry of judgment, the appropriate law enforcement officers shall
 24 cause the arrest of the defendant and the surety shall only be liable for the
 25 cost of returning the defendant to the district court in an amount not to
 26 exceed the face value of the bail bond.

27 (f)(1) In determining the extent of liability of the surety on a bond
 28 forfeiture, the court, ~~without further notice or hearing~~, may take into
 29 consideration the expenses incurred by the surety in attempting to locate the
 30 defendant and may allow the surety credit for the expenses incurred.

31 (2) To be considered by the court, information concerning
 32 expenses incurred in attempting to locate the defendant ~~should~~ shall be
 33 submitted to the court by the surety ~~no later than the one hundred twentieth~~
 34 ~~day after the date of receipt of written notification to the surety of the~~
 35 ~~defendant's failure to appear~~ before the entry of judgment.

36 (g)(1) Upon entry of a judgment against the surety, the surety shall:

1 (A) Pay the judgment within ninety (90) days; or
 2 (B) Within ten (10) days of the entry of judgment, post a
 3 letter of credit from an Arkansas chartered bank or a federally chartered
 4 bank in Arkansas, in sufficient amount, with the Professional Bail Bond
 5 Company and Professional Bail Bondsman Licensing Board.

6 (2)(A) If the surety elects to post a letter of credit, the
 7 surety is entitled to a discount of the forfeiture judgment if within eight
 8 (8) months of judgment being entered, the defendant is apprehended, arrested,
 9 or surrendered and the surety files a written petition for the discount.

10 (B) The court shall order a discount of the forfeited
 11 amount as follows:

12 (i) Eighty percent (80%) if the defendant is
 13 apprehended, arrested, or surrendered and the petition is filed within one
 14 (1) month of the entry of the judgment;

15 (ii) Seventy percent (70%) if the defendant is
 16 apprehended, arrested, or surrendered and the petition is filed within two
 17 (2) months of the entry of judgment;

18 (iii) Sixty percent (60%) if the defendant is
 19 apprehended, arrested, or surrendered and the petition is filed within three
 20 (3) months of the entry of judgment;

21 (iv) Fifty percent (50%) if the defendant is
 22 apprehended, arrested, or surrendered and the petition is filed within four
 23 (4) months of the judgment;

24 (v) Forty percent (40%) if the defendant is
 25 apprehended, arrested, or surrendered and the petition is filed within five
 26 (5) months of the entry of judgment;

27 (vi) Thirty percent (30%) if the defendant is
 28 apprehended, arrested, or surrendered and the petition is filed within six
 29 (6) months of the entry of the judgment;

30 (vii) Twenty percent (20%) if the defendant is
 31 apprehended, arrested, or surrendered and the petition is filed within seven
 32 (7) months of the entry of the judgment; and

33 (viii) Ten percent (10%) if the defendant is
 34 apprehended, arrested, or surrendered and the petition is filed within eight
 35 (8) months of the entry of the judgment.

36 (h) The court shall retain jurisdiction after the entry of a

1 forfeiture judgment for one (1) year to hear a petition for a discount.

2
 3 SECTION 4. Arkansas Code § 16-84-207 is amended to read as follows:
 4 16-84-207. Action on bail bond in circuit courts.

5 (a) If a bail bond is granted by a judicial officer, it shall be
 6 conditioned on the defendant's appearing for trial, surrendering in execution
 7 of the judgment, or appearing at any other time when his or her presence in
 8 circuit court may be lawfully required under Rule 9.5 or Rule 9.6 of the
 9 Arkansas Rules of Criminal Procedure, or any other rule.

10 (b)(1) If the defendant fails to appear at any time when the
 11 defendant's presence is required under subsection (a) of this section, the
 12 circuit court shall enter this fact by written order or docket entry, adjudge
 13 the bail bond of the defendant or the money deposited in lieu thereof to be
 14 forfeited, ~~and~~ issue a warrant for the arrest of the defendant, and order
 15 that the local law enforcement agency promptly enter the warrant into the
 16 Arkansas Crime Information System and the National Crime Information Center
 17 system.

18 (2) The circuit clerk shall:

19 (A) Notify the sheriff and each surety on the bail bond
 20 that the defendant should be surrendered to the sheriff as required by the
 21 terms of the bail bond; and

22 (B) Immediately issue a summons on each surety on the bail
 23 bond requiring the surety to personally appear on the date and time stated in
 24 the summons to show cause why judgment should not be rendered for the sum
 25 specified in the bail bond on account of the forfeiture.

26 (c)(1)(A) If the defendant is apprehended and brought before the
 27 circuit court within seventy-five (75) days of the date notification is sent
 28 under subdivision (b)(2)(A) of this section, then no judgment of forfeiture
 29 may be entered against the surety.

30 (B) The surety shall be liable for the cost of returning
 31 the defendant to the circuit court in an amount not to exceed the face amount
 32 of the bond.

33 (2)(A) If the defendant is apprehended and brought before the
 34 circuit court after the seventy-five-day period under subdivision (c)(1) of
 35 this section, the circuit court may exonerate the amount of the surety's
 36 liability under the bail bond as the circuit court determines in its

1 discretion and, if the surety does not object, enter judgment accordingly
 2 against the surety.

3 (B) In determining the extent of liability of the surety
 4 on the bond, the circuit court may take into consideration the actions taken
 5 and the expenses incurred by the surety to locate the defendant, the expenses
 6 incurred by law enforcement officers to locate and return the defendant, and
 7 any other factors the circuit court finds relevant.

8 (3) The appropriate law enforcement agencies shall make every
 9 reasonable effort to apprehend the defendant which includes the prompt entry
 10 of all warrants in the Arkansas Crime Information System and the National
 11 Crime Information Center System.

12 (d)(1) If the surety does not consent to the entry of judgment in the
 13 amount determined under subsection (c) of this section, or if the defendant
 14 has not surrendered or been brought into custody, then at the time of the
 15 show cause hearing unless continued to a subsequent time, the circuit court
 16 shall determine the surety's liability and enter judgment on the forfeited
 17 bond.

18 (2) The circuit court may exercise its discretion in determining
 19 the amount of the judgment and may consider the factors listed in subsection
 20 (c) of this section.

21 (e)(1) ~~No~~ Except as provided in subsection (g) of this section, no
 22 pleading on the part of the state shall be required in order to enforce a
 23 bond under this section.

24 (2) The summons required under subsection (b) of this section
 25 shall be made returnable and shall be executed as in civil actions, and the
 26 action shall be docketed and shall proceed as an ordinary civil action.

27 (3) The summons ~~may~~ shall be directed to and served on ~~an agent~~
 28 ~~of the surety~~ or the agent for service of the surety, and the surety's
 29 appearance pursuant to the summons shall be in person or by legal
 30 representative and not by filing an answer or other pleading.

31 (f) Notwithstanding any law to the contrary, a circuit court may
 32 suspend a bail bond company's or agent's ability to issue bail bonds in its
 33 court if the bail bond company or agent fails to comply with an order of the
 34 circuit court or fails to pay forfeited bonds in accordance with a circuit
 35 court's order.

36 (g)(1) Upon entry of a judgment against the surety, the surety shall:

1 (A) Pay the judgment within ninety (90) days; or
 2 (B) Within ten (10) days of the entry of judgment, post a
 3 letter of credit from an Arkansas chartered bank or a federally chartered
 4 bank in Arkansas, in sufficient amount, with the Professional Bail Bond
 5 Company and Professional Bail Bondsman Licensing Board.

6 (2)(A) If the surety elects to post a letter of credit, the
 7 surety is entitled to a discount of the forfeiture judgment if within eight
 8 (8) months of judgment being entered, the defendant is apprehended, arrested,
 9 or surrendered and the surety files a written petition for the discount.

10 (B) The court shall order a discount of the forfeited
 11 amount as follows:

12 (i) Eighty percent (80%) if the defendant is
 13 apprehended, arrested, or surrendered and the petition is filed within one
 14 (1) month of the entry of the judgment;

15 (ii) Seventy percent (70%) if the defendant is
 16 apprehended, arrested, or surrendered and the petition is filed within two
 17 (2) months of the entry of judgment;

18 (iii) Sixty percent (60%) if the defendant is
 19 apprehended, arrested, or surrendered and the petition is filed within three
 20 (3) months of the entry of judgment;

21 (iv) Fifty percent (50%) if the defendant is
 22 apprehended, arrested, or surrendered and the petition is filed within four
 23 (4) months of the judgment;

24 (v) Forty percent (40%) if the defendant is
 25 apprehended, arrested, or surrendered and the petition is filed within five
 26 (5) months of the entry of judgment;

27 (vi) Thirty percent (30%) if the defendant is
 28 apprehended, arrested, or surrendered and the petition is filed within six
 29 (6) months of the entry of the judgment;

30 (vii) Twenty percent (20%) if the defendant is
 31 apprehended, arrested, or surrendered and the petition is filed within seven
 32 (7) months of the entry of the judgment; and

33 (viii) Ten percent (10%) if the defendant is
 34 apprehended, arrested, or surrendered and the petition is filed within eight
 35 (8) months of the entry of the judgment.

36 (h) The court shall retain jurisdiction after the entry of a

1 forfeiture judgment for one (1) year to hear a petition for a discount.

2

3 SECTION 5. Arkansas Code § 17-19-105 is amended to read as follows:

4 17-19-105. Prohibitions.

5 No professional bail bondsman or professional bail bond company, nor
6 court, nor law enforcement officer, nor any individual working on behalf of a
7 professional bail bondsman or professional bail bond company, shall:

8 (1) Require as a condition of his or her executing a bail bond
9 that the principal agree to engage the services of a specified attorney;

10 (2) Solicit business or advertise for business in ~~or about any~~
11 ~~place where prisoners are confined or in or about any court~~ any building
12 where court hearings are held;

13 (3) Solicit business or advertise for business in any building
14 where prisoners are confined;

15 (4) Solicit business or advertised for business on the parking
16 lot of any building where prisoners are confined;

17 ~~(3) Suggest or advise the engagement of any bail bond company or~~
18 ~~professional bail bondsman to underwrite a bail bond;~~

19 ~~(4)~~(5) Enter a police station, jail, sheriff's office, or other
20 place where persons in custody of the law are detained for the purpose of
21 obtaining employment as a professional bail bondsman or professional bail
22 bond company, without having been previously called by a person so detained
23 or by some relative or other authorized person acting for or in behalf of the
24 person so detained. Whenever such an entry occurs, the person in charge of
25 the facility shall be given, and promptly record, the mission of the licensee
26 and the name of the person calling the licensee and requesting him or her to
27 come;

28 ~~(5)~~(6) Pay a fee or rebate or give or promise anything of value
29 to:

30 (A) A jailer, policeman, peace officer, committing
31 magistrate, or any other person who has power to arrest or to hold in
32 custody; or

33 (B) Any public official or public employee in order to
34 secure a settlement, compromise, remission, or reduction of the amount of any
35 bail bond or estreatment thereof;

36 ~~(6)~~(7) Pay a fee or rebate or give anything of value to an

1 attorney in bail bond matters, except in defense of any action on a bond;

2 ~~(7)~~(8) Pay a fee or rebate or give or promise anything of value
3 to the principal or anyone in his or her behalf;

4 ~~(8)~~(9)(A) Participate in the capacity of an attorney at a trial
5 or hearing of one on whose bond he or she is surety;

6 (B) Attempt to obtain settlement or dismissal of a case;

7 (C) Give or attempt to give any legal advice to one on
8 whose bond he or she is surety; or

9 ~~(9)~~(10) Accept anything of value from a principal except the
10 premium, provided that the licensee shall be permitted to accept collateral
11 security or other indemnity from the principal which shall be returned upon
12 final termination of liability on the bond. The collateral security or other
13 indemnity required by the licensee must be reasonable in relation to the
14 amount of the bond.

15
16 SECTION 6. Arkansas Code § 17-19-106(b), concerning the Professional
17 Bail Bond Company and Professional Bail Bondsman Licensing Board, is amended
18 to read as follows:

19 (b)(1) There is hereby created the Professional Bail Bond Company and
20 Professional Bail Bondsman Licensing Board.

21 (2)(A) The board shall be composed of seven (7) members to be
22 appointed by the Governor for terms of seven (7) years.

23 (B) Vacancies shall be filled by appointment of the
24 Governor for the unexpired portion of the term.

25 (3)(A) Three (3) members of the board shall be licensed bail
26 bond company owners, one (1) a municipal chief of police, one (1) a county
27 sheriff, one (1) a municipal or circuit judge, and one (1) shall be a
28 resident of the state who is not a bail bond company owner, elected judge,
29 sheriff, or chief of police.

30 (B)(i) No two (2) of the three (3) bail bondsman members
31 shall reside in the same congressional district.

32 (ii) At least one (1) board member shall be an
33 African-American.

34 (iii) At least one (1) board member shall be a
35 female.

36 (4) The board shall have the authority and responsibility to

1 administer and enforce the provisions of this chapter relating to licensing
 2 and regulation of professional bail bond companies and professional bail
 3 bondsmen.

4 (5) The board shall have the authority to adopt and enforce such
 5 reasonable rules and regulations as it shall determine to be necessary to
 6 enable it to effectively and efficiently carry out its official duty of
 7 licensing and regulating professional bail bond companies and professional
 8 bail bondsmen.

9 (6) The board shall have the authority to select an executive
 10 director to:

11 (A) Assist the board in the administration and enforcement
 12 of the provisions of this chapter and the rules of the board; and

13 (B) Perform other duties delegated to the executive
 14 director by the board.

15
 16 SECTION 7. Arkansas Code § 17-19-107 is repealed.

17 ~~17-19-107. Exception to education requirements.~~

18 ~~Any licensed professional bail bondsman who is sixty five (65) years of~~
 19 ~~age or older and who has been licensed as a bail bondsman for fifteen (15)~~
 20 ~~years or more shall be exempt from both the education and continuing~~
 21 ~~education requirements of § 17-19-212 and § 17-19-401 et seq.~~

22
 23 SECTION 8. Arkansas Code § 17-19-111 is amended to read as follows:
 24 17-19-111. Fees.

25 (a) Notwithstanding any other provisions of this chapter to the
 26 contrary, and notwithstanding any other provisions of Arkansas law to the
 27 contrary, professional bail bond companies are hereby required to charge,
 28 collect, and remit the following fees for direct deposit as special revenues
 29 into the ~~State Insurance Department~~ Professional Bail Bond Licensing Trust
 30 Fund for the support, personnel, maintenance, and operations of the State
 31 Insurance Department Bail Bondsman Board and into the Professional Bail Bond
 32 Licensing Board Defunct Company Relief Fund for payment towards unpaid
 33 forfeitures resulting from any bail bond company that ceases operation and
 34 does not have sufficient funds posted with the board or other assets
 35 attainable by the board to pay the forfeitures, in addition to any other
 36 fees, taxes, premium taxes, levies, or other assessments imposed in

1 connection with the issuance of bail bonds by professional bail bond
 2 companies under Arkansas law.

3 (b)(1)(A) In addition to the bail or appearance bond premium or
 4 compensation allowed under § 17-19-301, each licensed professional bail bond
 5 company shall charge and collect as a nonrefundable fee for the fund an
 6 additional ~~ten dollar (\$10.00)~~ five dollar (\$5.00) fee per bail bond for
 7 giving bond for each and every bail and appearance bond issued by the
 8 licensed professional bail bond company by or through its individual
 9 licensees.

10 (B) From the nonrefundable fee:

11 (i) Three dollars (\$3.00) shall be deposited in the
 12 Bail Bondsman Board Trust Fund for the support, personnel, maintenance, and
 13 operations of the Professional Bail Bond Licensing Board; and

14 (ii) Two dollars (\$2.00) shall be deposited into the
 15 Professional Bail Bond Licensing Board Defunct Company Relief Fund.

16 (C)(i) The Professional Bail Bond Licensing Board shall
 17 establish procedures for the payment of unpaid forfeitures resulting from any
 18 bail bond company that ceases operation and does not have sufficient funds
 19 posted with the board or other assets obtainable by the board to pay the
 20 forfeitures.

21 (ii) In establishing the procedures, the board shall
 22 create a procedure for at least the partial payment of the unpaid forfeitures
 23 in pro rata to the amount of the outstanding forfeitures submitted to the
 24 board within the calendar year that the company ceases operation.

25 (D) At no time shall the payments from the Professional
 26 Bail Bond Licensing Board Defunct Company Relief Fund reduce the amount of
 27 the fund in excess of fifty percent (50%) of the amount of the funds per
 28 year.

29 (2) The fees shall be collected quarterly and then reported and
 30 filed with the ~~Insurance Commissioner~~ Professional Bail Bond Company and
 31 Professional Bail Bondsman Licensing Board no later than ~~fifteen (15)~~ thirty
 32 (30) calendar days after the end of each quarter.

33 (3) The notarized quarterly reporting form and a notarized
 34 annual reconciliation form as to all fees collected for the fund shall be
 35 filed by each professional bail bond company on forms prescribed by the
 36 ~~commissioner~~ board and at the times and in the manner as the ~~commissioner~~

1 board shall prescribe in conformity with this section.

2 (4)(A) A paper-processing charge of ~~fifteen dollars (\$15.00)~~
3 twenty dollars (\$20.00) shall be collected on each bail bond in order to
4 defray the surety's costs incurred by the quarterly and annual reporting
5 requirements contained herein and to further defray the surety's costs
6 incurred in the collection of all fees due, owing, and collected on behalf of
7 the fund and the surety's costs incurred in the preparation of all required
8 reports submitted in conformance with the standards established by the
9 American Institute of Certified Public Accountants.

10 (B)(i) Of the twenty-dollar fee, five dollars (\$5.00)
11 shall be placed in the Professional Bail Bond Licensing Board Active Company
12 Fund.

13 (ii) The contribution to the fund shall be paid into
14 the Professional Bail Bond Licensing Board Active Company Fund by the surety
15 at the same time and in the same manner as any fee collected, reported, and
16 paid to the Professional Bail Bond Licensing Board.

17 (c)(1) The ~~commissioner~~ executive director or his or her designee may,
18 ~~in his or her discretion,~~ grant an extension for the filing of the report and
19 payment of fees and contributions for good cause shown upon timely written
20 request.

21 (2) Absent an extension for good cause shown, each licensed
22 professional bail bond company failing to report or pay these fees and
23 contributions shall be liable to the fund for a monetary penalty of one
24 hundred dollars (\$100) per day for each day of delinquency.

25 (3) The ~~commissioner~~ board may pursue any appropriate legal
26 remedies on behalf of the fund to collect any delinquent fees, ~~and~~
27 contributions, and penalties owed as special revenues.

28 (d)(1) Upon collection of the fees, and contributions, and any
29 monetary penalties, the ~~commissioner~~ board shall deposit all fees, ~~and~~
30 contributions, and penalties directly into the fund as special revenues.

31 (2) The fees, contributions, and penalties shall be in addition
32 to all other fees, licensure or registration fees, taxes, assessments,
33 levies, or penalties payable to any federal or state office, court, agency,
34 board, or commission or other public official or officer of the state, or its
35 political subdivisions, including counties, cities, or municipalities, by
36 professional bail bond companies.

1 (3)(A) Each individual bail bondsman is required to assist in
 2 collection of the fees and contributions, but is exempt from the duty and
 3 responsibility of payment of the fees and contributions to the fund unless he
 4 or she misappropriates or converts such moneys to his or her own use or to
 5 the use of others not entitled to the fees.

6 (B) In that case, the ~~commissioner~~ board shall proceed on
 7 behalf of the ~~fund~~ funds with any civil or criminal remedies at his or her
 8 disposal against the individual responsible.

9 (C) Upon criminal conviction of the individual responsible
 10 for fraudulent conversion of the moneys due the ~~fund~~ funds, the individual
 11 responsible shall pay restitution to the trust ~~fund~~ funds, and the court
 12 shall incorporate a finding to that effect in its order.

13 (D) Absent substantial evidence to the contrary, the
 14 violations of the individual may be attributed to the employing bail bond
 15 company, and any criminal or civil court may, in its discretion and upon
 16 substantial evidence, order the employing bail bond company to pay
 17 restitution to the fund on behalf of the responsible individual and shall
 18 incorporate that finding into its order.

19 (e) For purposes of any statutory security deposit Arkansas law
 20 requires of professional bail bond companies, including, but not limited to,
 21 the deposit under § 17-19-205, the payment of the fees and contributions
 22 required by this section is considered to be a duty of the licensee, so as to
 23 allow the ~~commissioner~~ board on behalf of the fund to make a claim against
 24 any such deposit for the fees required by this section and any penalties owed
 25 thereon, up to the limit of any security deposit.

26 (f) Under no circumstances shall the fees or penalties thereon held in
 27 or for deposit into the ~~fund~~ Professional Bail Bond Licensing Board Trust
 28 Account or the Bail Bondsman Board Defunct Company Relief Fund as special
 29 revenues be subject to any tax, levy, or assessment of any kind, including,
 30 but not limited to, any bond forfeiture claims, any garnishment or general
 31 creditors' claims, any remedies under title 19 of this Code, or other
 32 provisions of Arkansas law.

33 (g)~~(1)~~ At the beginning of each fiscal year, the ~~department~~ board
 34 shall certify to the Chief Fiscal Officer of the State an amount sufficient
 35 to provide for personal services and operating expenses of the Professional
 36 Bail Bond Company and Professional Bail Bondsman Licensing Board.

1 ~~(2) The Chief Fiscal Officer of the State shall then transfer~~
2 ~~the certified amount from the State Insurance Department Trust Fund to the~~
3 ~~Bail Bondsman Board Fund.~~

4
5 SECTION 8. Arkansas Code § 17-19-201 is amended to read as follows:
6 17-19-201. Licenses required.

7 (a) No person shall engage in bail bond business without first having
8 been licensed as provided in this chapter.

9 (b) A professional bail bondsman shall not execute or issue an
10 appearance bond in this state without holding a valid appointment from a
11 professional bail bond company and without attaching to the appearance bond
12 an executed and numbered power of attorney referencing the professional bail
13 bond company.

14 (c) An insurer shall not execute an undertaking of bail without being
15 licensed as a professional bail bond company.

16 (d) A professional bail bond company shall not engage in the bail bond
17 business:

18 (1) Without having been licensed as a professional bail bond
19 company under this chapter; and

20 (2) Except through an agent licensed as a professional bail
21 bondsman under this chapter.

22 (e) A professional bail bond company shall not permit any unlicensed
23 person to solicit or engage in the bail bond business in the company's
24 behalf, except for individuals who are employed solely for the performance of
25 clerical, stenographic, investigative, or other administrative duties which
26 do not require a license under this chapter and whose compensation is not
27 related to or contingent upon the number of bonds written.

28 (f) A professional bail bond agent whose license has been suspended or
29 revoked by the board shall not work for a professional bail bond company in
30 any capacity during the period of suspension or revocation.

31
32 SECTION 9. Arkansas Code § 17-19-205 is amended to read as follows:
33 17-19-205. Letter of credit or certificate of deposit required.

34 (a)(1) An applicant for a professional bail bond company license shall
35 file with the Professional Bail Bond Company and Professional Bail Bondsman
36 Licensing Board an irrevocable letter of credit from an Arkansas chartered

1 bank or a federally chartered bank in Arkansas or a certificate of deposit.

2 (2)(A) The letter of credit or certificate of deposit shall be
 3 approved by the board as to form and sufficiency and shall be conditioned
 4 upon faithful performance of the duties of the licensee.

5 (B)(i) The Except as provided in subdivision (a)(2)(B)(ii)
 6 of this section, the minimum amount for any professional bail bond company
 7 initially licensed on or before July 1, 1989, shall be twenty-five thousand
 8 dollars (\$25,000).

9 (ii) The professional bail bond company shall
 10 continue to pay five dollars (\$5.00) into the Professional Bail Bond
 11 Licensing Board Active Company Fund under § 17-19-111(b)(4).

12 (C) The Except as provided in subdivision (a)(2)(C)(ii) of
 13 this section, the minimum amount for any professional bail bond company
 14 initially licensed after July 1, 1989, shall be one hundred thousand dollars
 15 (\$100,000).

16 (ii) The professional bail bond company shall
 17 continue to pay five dollars (\$5.00) into the Professional Bail Bond
 18 Licensing Board Active Company Fund under § 17-19-111(b)(4).

19 (D)(i) Professional Except as provided in subdivision
 20 (a)(2)(D)(ii) of this section, professional bail bond companies and
 21 professional bail bondsmen who were licensed under Act 400 of 1971 [repealed]
 22 prior to March 8, 1989, shall only be required to file or have on file with
 23 the board a letter of credit or certificate of deposit approved by the board
 24 as to form and sufficiency, in a minimum amount of five thousand dollars
 25 (\$5,000), ~~conditioned upon the faithful performance of the duties of the~~
 26 ~~licensee, provided they do not exceed the maximum amount of unsecured bond~~
 27 ~~commitments as provided in § 17-19-304.~~

28 (ii) The professional bail bond company shall
 29 continue to pay five dollars (\$5.00) into the Professional Bail Bond
 30 Licensing Board Active Company Fund under § 17-19-111(b)(4).

31 (E)(i) The minimum amount for any professional bail bond
 32 company initially licensed after July 1, 2007, shall be two hundred fifty
 33 thousand dollars (\$250,000).

34 (ii) Each new company shall pay five dollars (\$5.00)
 35 into the Professional Bail Bond Licensing Board Active Company Fund under §
 36 17-19-111(b)(4).

1 (b) No letter of credit or certificate of deposit shall be subject to
 2 termination or cancellation by either party in less than sixty (60) days
 3 after the giving of written notice thereof to the other parties and to the
 4 board.

5 (c) No termination or cancellation shall affect the liability of the
 6 surety or sureties on a bond incurred prior to the effective date of
 7 termination or cancellation.

8 (d)(1) All contributions made by a bail bond company to the
 9 Professional Bail Bond Licensing Board in compliance with § 17-19-111(b)(4)
 10 and as provided for in this section shall be credited to the individual bail
 11 bond company and used in determining the limit of outstanding liability of
 12 the individual company under § 17-19-304.

13 (2) Until which time an individual active company reaches a
 14 combined limit of four hundred thousand dollars (\$400,000) between the letter
 15 of credit, certificate of deposit, and contribution to the Professional Bail
 16 Bond Licensing Board Active Company Fund, the company shall have no use or
 17 benefit from the contributions to the Professional Bail Bond Licensing Board
 18 Active Company Fund other than under § 17-19-304.

19 (3)(A) Once an individual active company exceeds the combined
 20 limit of four hundred thousand dollars (\$400,000) under subdivision (d)(2),
 21 the individual active company may borrow from the Professional Bail Bond
 22 Licensing Board Active Company Fund to pay an outstanding forfeiture which is
 23 in excess of twenty-five thousand dollars (\$25,000) except the amount
 24 borrowed shall not exceed fifty percent (50%) of the amount which the
 25 individual active company exceeds the combined limits and the individual
 26 active company agrees to repay the amount within six (6) months of the loan.

27 (B) If the individual active company fails to repay the
 28 loan as agreed, the board may suspend the company in the same manner and
 29 procedure used to suspend a company from non-payment of a forfeiture.

30 (4) An individual active company may request the board for the
 31 release of any certificate of deposit or letter of credit at any time when
 32 the release of any certificate of deposit or letter of credit does not reduce
 33 the combined limit of any remaining certificate of deposit, letter of credit,
 34 or contribution to the Professional Bail Bond Licensing Board Active Company
 35 Fund in an amount less than four hundred thousand dollars (\$400,000).

36 SECTION 10. Arkansas Code § 17-19-206 is amended to read as follows:

1 17-19-206. Duties of board and clerks.

2 (a) Before issuance of a license under the provisions of this chapter,
 3 every applicant for a license shall satisfy the Professional Bail Bond
 4 Company and Professional Bail Bondsman Licensing Board as to Arkansas
 5 residency, trustworthiness, and competence, as applicable, and shall
 6 otherwise comply with the conditions and qualifications set forth in this
 7 chapter.

8 (b)(1) The board may refuse to issue any license to an applicant who
 9 fails to comply with the provisions of this chapter or rule or regulation of
 10 the board.

11 (2) The board may refuse to issue any such license to any
 12 applicant that has made a material misrepresentation in the application for
 13 such a license.

14 (c) Upon the approval and issuance of any license provided for under
 15 this chapter, the board shall give written notice to the sheriff and circuit
 16 clerk of each county in the state.

17 (d) Upon revocation or suspension of license, the board shall give
 18 written notice to that effect to the sheriff and circuit clerk in each county
 19 in the state.

20 (e) The ~~sheriff and circuit clerk in each county~~ board shall maintain
 21 a complete record of registrations, revocations, and suspensions that shall
 22 be available to the sheriff and circuit clerk of each county in the state.

23 ~~(f) Annually, the board shall furnish the sheriffs and circuit clerks~~
 24 ~~with a list of renewal licenses.~~

25
 26 SECTION 11. Arkansas Code § 17-19-208 is amended to read as follows:

27 17-19-208. Civil action - Administrative action.

28 (a)(1) If during the term of the letter of credit, ~~or~~ certificate of
 29 deposit, or contributions to the Professional Bail Bond Licensing Board
 30 Active Company Fund any licensee shall be guilty of misconduct or malfeasance
 31 in his or her dealings with any court or magistrate or officer or with any
 32 person or company in connection with any deposit or bail bond, the
 33 Professional Bail Bond Company and Professional Bail Bondsman Licensing Board
 34 may maintain a civil action on the letter of credit, ~~or~~ certificate of
 35 deposit, or contributions to the Professional Bail Bond Licensing Board
 36 Active Company Fund or may maintain an administrative action on any

1 certificate of deposit. The board may recover for the use and benefit of the
 2 person or persons aggrieved a maximum amount of ten thousand dollars
 3 (\$10,000). The provisions of this subdivision (a)(1) shall be in addition to
 4 all other remedies available to the aggrieved person and nothing in this
 5 subdivision (a)(1) shall be construed as limiting the liability of a
 6 professional bail bond company or a professional bail bondsman.

7 (2) The board may suspend the license of such a licensee until
 8 such time as the board recovers the full amount allowable or recovers for the
 9 benefit of the persons aggrieved the amount of loss or injury sustained
 10 pursuant to subdivision (a)(1) of this section, and until such time as the
 11 licensee has filed with the board an additional letter of credit or
 12 certificate of deposit in the required amount. The board shall promptly
 13 notify the licensee as provided in subdivision (b)(2) of this section.

14 (b)(1)(A) When a final civil judgment for court-ordered bond
 15 forfeitures is entered as to a bail bond issued by the licensee by a court of
 16 competent jurisdiction in this state and the judgment is not paid within
 17 ninety (90) days thereafter, the court may send a copy of the judgment, duly
 18 certified by the clerk of the court, to the board and after having given
 19 proof to the board of service of ~~process~~ judgment on the licensee in
 20 accordance with ~~present laws governing service of process on defendants in~~
 21 ~~other civil actions~~ Rule 5 of the Arkansas Rules of Civil Procedure, the. The
 22 board may promptly make a claim on the surety for payment of the allowable
 23 amount of the licensee's letters of credit on behalf of the court or shall
 24 withdraw the allowable amount of the licensee's certificates of deposit and
 25 shall transmit to the clerk of the court so much of the securities as are
 26 allowable. The board shall honor the judgments from the respective courts up
 27 to the limits set out in subdivision (a)(1) of this section.

28 (B) The licensee may prevent a claim on the letter of
 29 credit or certificate of deposit pending appeal of the judgment only by
 30 providing the board with an order staying the judgment or by posting a
 31 separate letter of credit in sufficient amount to satisfy the judgment if the
 32 appeal is unsuccessful.

33 (2)(A) Upon receipt of the judgment and proof of ~~notice of~~
 34 service of the judgment in accordance with Rule 5 of the Arkansas Rules of
 35 Civil Procedure on the licensee, the board may suspend the license of the
 36 licensee until such time as the judgment is paid or otherwise satisfied and

1 until such time as the licensee has filed with the board another letter of
 2 credit or certificate of deposit in the required amount. The board shall
 3 promptly notify the licensee in writing by certified mail of the claims upon
 4 the licensee's letter of credit or certificates of deposit and shall also
 5 include a copy of the board's order of suspension.

6 (B) The licensee may prevent a suspension pending appeal
 7 of the judgment by providing the board with an order staying the judgment or
 8 by posting a separate letter of credit in sufficient amount to satisfy the
 9 judgment should the appeal be unsuccessful.

10 (3) If the allowable amount of the letter of credit or
 11 certificate of deposit filed with the board is not sufficient to pay or
 12 otherwise satisfy the judgments as to bail bonds issued by the professional
 13 bail bond company in § 17-19-205(a), the board may promptly make a claim
 14 against the professional bail bond company on behalf of the court.

15 (c) In the event a professional bail bond company fails to file with
 16 the board the additional letter of credit or certificate of deposit to
 17 maintain the license within ninety (90) days from the effective date of the
 18 board's order of suspension as provided in subdivisions (a)(2), (b)(2), or
 19 (b)(3) of this section, the board shall cancel the license of the licensee
 20 and shall promptly notify the licensee as provided in subdivision (b)(2) of
 21 this section.

22 (d) Upon the nonrenewal, cancellation, or revocation of any license
 23 hereunder, the board will release to the licensee the qualifying bonds or
 24 certificates of deposit filed with the board only upon receipt of written
 25 documentation from all the courts in all the counties in which the licensee
 26 engaged in business that all bonds issued by the licensee have been
 27 exonerated, and that no unpaid bond forfeitures remain outstanding, and that
 28 all civil judgments as to forfeitures on bonds issued by the licensee have
 29 been paid in full.

30 (e) If a company license has been revoked because of unpaid judgments,
 31 during the appeals process the company shall file a supersedes bond in the
 32 amount of the unpaid judgments with the court in which the appeal is taken.
 33

34 SECTION 12. Arkansas Code § 17-19-212 is amended to read as follows:
 35 17-19-212. Licenses.

36 (a) Each applicant for an initial bail bondsman license who

1 satisfactorily completes the examination and meets the other qualifications
 2 and requirements prescribed by law, including the completion of a minimum of
 3 eight (8) hours of education in subjects pertaining to the authority and
 4 responsibilities of a bail bondsman and a review of the laws and regulations
 5 relating thereto, shall be licensed by the Professional Bail Bond Company and
 6 Professional Bail Bondsman Licensing Board.

7 (b)(1) Prior to the completion of the background check required under
 8 § 17-19-203(2), the Professional Bail Bond Company and Professional Bail
 9 Bondsman Licensing Board may issue a nonrenewable temporary license to the
 10 applicant if the applicant signs a statement that he or she has never been
 11 convicted of a felony or any offense involving moral turpitude.

12 (2) The temporary license is valid for no more than six (6)
 13 months.

14 (3)(A) The Professional Bail Bond Company and Professional Bail
 15 Bondsman Licensing Board shall immediately revoke the nonrenewable temporary
 16 license upon receipt of information from the criminal background check that
 17 the applicant has been convicted of a felony or any offense involving moral
 18 turpitude.

19 (B) The applicant whose temporary license has been revoked
 20 may request a hearing before the Professional Bail Bond Company and
 21 Professional Bail Bondsman Licensing Board to determine whether the applicant
 22 meets the qualifications for a regular license.

23
 24 SECTION 13. Arkansas Code § 17-19-301 is amended to read as follows:
 25 17-19-301. Premiums.

26 (a) With the exception of other provisions of this section, the
 27 premium or compensation for giving bond or depositing money or property as
 28 bail on any bond shall be ten percent (10%), except that the amount may be
 29 rounded up to the nearest five-dollar amount.

30 (b) The minimum compensation for giving bond or depositing money or
 31 property as bail on any bond shall be not less than ~~thirty-five dollars~~
 32 ~~(\$35.00)~~ fifty dollars (\$50.00).

33 (c) If a bail bond or appearance bond issued by a licensee under this
 34 chapter must be replaced with another bail bond or appearance bond because of
 35 the licensee's violation of any provision of the laws of this state or any
 36 rule, regulation, or order of the Professional Bail Bond Company and

1 Professional Bail Bondsman Licensing Board, the licensee who violated the
 2 provision and who caused the replacement to be required shall pay all the
 3 premium amount for the replacement bond, in an amount not to exceed the
 4 amount of the original bond, without any contribution from the respective
 5 defendant or principal.

6 ~~(d)(1)(A) In addition to the ten percent (10%) bail or appearance bond
 7 premium or compensation allowed in subsection (a) of this section, and
 8 commencing on April 1, 1993, each licensed professional bail bond company
 9 shall charge and collect as a nonrefundable administrative and regulatory fee
 10 for the State Insurance Department Trust Fund an additional ten dollars
 11 (\$10.00) per bond fee for giving bond for every bail and appearance bond
 12 issued by the licensed professional bail bond company by or through its
 13 individual licensees.~~

14 ~~(B) The administrative and regulatory fees payable by
 15 these companies to the fund for the support and operation of the department,
 16 and collected by the bail bond companies as required by this section, shall
 17 be reported and filed with the Insurance Commissioner no later than fifteen
 18 (15) calendar days after the end of each calendar quarter, contemporaneous
 19 with the professional bail bond company's filing of its quarterly bail bond
 20 report with the department.~~

21 ~~(C) A notarized annual reconciliation of all such fees
 22 collected in the preceding calendar year for the fund shall be filed by each
 23 licensed professional bail bond company at a time and on forms prescribed by
 24 the commissioner.~~

25 ~~(D) The commissioner may in his or her discretion grant an
 26 extension for good cause shown upon timely written request.~~

27 ~~(E) In no event shall the administrative and regulatory
 28 fees payable by the bail bond companies to the fund exceed ten dollars
 29 (\$10.00) per bond, as required by this subchapter, exclusive of statutory
 30 licensure fees elsewhere in this chapter.~~

31 ~~(2)(A) Absent an extension the commissioner granted for good
 32 cause to a company and in addition to any license suspension or revocation,
 33 the commissioner may in his or her discretion order after notice and a
 34 hearing a professional bail bond company failing timely to report or pay the
 35 regulatory fee to the fund by and through the commissioner shall be liable to
 36 the fund for a monetary penalty of one hundred dollars (\$100) per day for~~

1 ~~each day of delinquency.~~

2 ~~(B) The commissioner may pursue any appropriate legal~~
 3 ~~remedies on behalf of the fund to collect any delinquent fees and penalties~~
 4 ~~owed pursuant to this section as special revenues to the fund.~~

5 ~~(3) Upon collection of the regulatory fees and any monetary~~
 6 ~~penalties payable to the fund and assessed under this section, the~~
 7 ~~commissioner shall deposit all fees and penalties directly into the fund as~~
 8 ~~special revenues.~~

9 ~~(4)(A) Upon failure of the bail bond company to remit the fees~~
 10 ~~timely, the commissioner may pursue civil legal remedies against the~~
 11 ~~noncomplying bail bond company on behalf of the fund to recover the balance~~
 12 ~~of the fees and any penalties owed.~~

13 ~~(B) In its discretion, the board may also fine, or suspend~~
 14 ~~or revoke the license of, any professional bail bond company failing to remit~~
 15 ~~or pay timely the fees required by this section.~~

16 ~~(5)(A) Other than sole proprietors licensed as professional bail~~
 17 ~~bond companies, individual bail bondsmen are exempt from the duty and~~
 18 ~~responsibility of payment of the administrative and regulatory fees to the~~
 19 ~~fund, except that the individual licenses of such individual employees of the~~
 20 ~~professional bail bond company may be suspended or revoked by the~~
 21 ~~commissioner pursuant to the administrative procedures provided in this~~
 22 ~~chapter if the individual licensee fails to comply with his or her duties in~~
 23 ~~proper collection of the bail bond premiums earmarked for later payment to~~
 24 ~~the fund pursuant to this subsection, if he or she converts such moneys to~~
 25 ~~his or her own use, or commits other infractions in regard to collection of~~
 26 ~~such premium amounts.~~

27 ~~(B) In those instances, the violations of the individual~~
 28 ~~may in the commissioner's discretion be attributed to the employing~~
 29 ~~professional bail bond company for good cause shown, and its license may be~~
 30 ~~sanctioned by the commissioner pursuant to the administrative procedures~~
 31 ~~provided in this chapter.~~

32 ~~(C) Further, upon criminal conviction of the individual~~
 33 ~~bondsman for theft of property in connection with fraudulent conversion of~~
 34 ~~those premium amounts due the fund, the board shall revoke the individual's~~
 35 ~~license, and in its discretion fine, or suspend or revoke the license of, the~~
 36 ~~employing professional bail bond company if it assisted the individual in~~

1 such fraudulent conduct.

2 ~~(6)(A) For purposes of § 17-19-205 requiring the professional~~
 3 ~~bail bond company's deposit of a letter of credit or certificate of deposit~~
 4 ~~for the faithful performance of its duties, the company's payment of the~~
 5 ~~administrative and regulatory fee as required by this subsection shall be~~
 6 ~~considered to be and shall be a duty of the licensee so as to allow the~~
 7 ~~commissioner to make a claim against the security deposit required in § 17-~~
 8 ~~19-205 on behalf of the fund for the balance of any owed and unpaid~~
 9 ~~administrative and regulatory fees the professional bail bond company still~~
 10 ~~owes to the fund, and the commissioner shall promptly proceed to make claims~~
 11 ~~against such security deposits on behalf of the fund, up to the limit of the~~
 12 ~~company's deposit for any remaining fee balance due, in the manner provided~~
 13 ~~in this subchapter for any claim against the deposit required herein.~~

14 ~~(B) Under no circumstances shall such deposits held for~~
 15 ~~the fund, or fees or any moneys deposited into the fund be subject to any~~
 16 ~~levy or assessment of any kind, including forfeiture claims, misconduct~~
 17 ~~claims, or general creditor claims of the bail bond company, subject to~~
 18 ~~garnishment or other creditors' remedies under title 19 of this Code or other~~
 19 ~~provisions of Arkansas law.~~

20 ~~(e)(d)(1)~~ In addition to the premiums, compensation, and fees allowed
 21 in ~~subsections (a) and (d) of this section~~ subsection and § 17-19-111,
 22 beginning July 1, 2003, each bail bond company shall charge and collect
 23 twenty dollars (\$20.00) as a nonrefundable fee for the Arkansas Public
 24 Defender Commission.

25 (2) All fees collected shall be forwarded to the commission for
 26 deposit in the Public Defender User Fee Fund.

27 (3) The commission shall deposit the money collected into the
 28 existing account within the State Central Services Fund entitled "Public
 29 Defender User Fees".

30 (4) The fees collected by the bail bond companies required under
 31 this subsection shall be reported and filed with the commission quarterly.

32 (5) A notarized annual reconciliation of all fees collected in
 33 the preceding calendar year shall be filed by each bail bond company by
 34 February 15 on forms provided by the commission.

35 (6) In addition to the bail or appearance bond premium or
 36 compensation allowed under this section and § 17-19-111, each licensed

1 professional bail bond company shall charge and collect a processing fee of
 2 ~~three dollars (\$3.00)~~ five dollars (\$5.00) on each bail bond in order to
 3 defray the surety's costs incurred by the quarterly and annual reports to the
 4 commission and to further defray the surety's costs incurred in the
 5 collection of all fees due owing and collected on behalf of the commission.

6 (7) The commission may pursue any appropriate legal remedy for
 7 the collection of any delinquent fees owed under this subsection.

8 (8) Upon collection of any fees and penalties, the commission
 9 shall deposit all fees and penalties directly into the Public Defender User
 10 Fees account within the State Central Services Fund.

11
 12 SECTION 14. Arkansas Code § 17-19-304 is amended to read as follows:
 13 17-19-304. Maximum amount of unsecured bond.

14 ~~The maximum amount of unsecured bond commitment allowed for a~~
 15 ~~professional bail bond company shall be determined by the following formulas:~~

16 ~~(1) Not to exceed one hundred thousand dollars (\$100,000) for~~
 17 ~~each twenty five thousand dollars (\$25,000) of letters of credit or~~
 18 ~~certificates of deposit filed with the Professional Bail Bond Company and~~
 19 ~~Professional Bail Bondsman Licensing Board by the professional bail bond~~
 20 ~~company; and~~

21 ~~(2) Ten (10) times the net worth of the professional bail bond~~
 22 ~~company as stated on the financial statement filed with the board at the time~~
 23 ~~of licensing or annual license renewal. The financial statements must be~~
 24 ~~prepared in accordance with standards established by the American Institute~~
 25 ~~of Certified Public Accountants.~~

26 (a) Beginning January 1, 2008, the maximum amount of bond commitment,
 27 whether secured or unsecured, allowed for a professional bail bond company
 28 shall be determined by the following formula:

29
 30 The total reserve for a company shall be determined from the
 31 letter of credit or certificate of deposits filed with the board, plus the
 32 amount in the Professional Bail Bond Licensing Board Active Company Fund
 33 attributed to the company, plus the net worth of the company excluding the
 34 letter of credit, certificate of deposit, and trust account in establishing
 35 the net worth. The minimum net worth of a company shall not be less than
 36 twenty-five thousand dollars (\$25,000) in the computation of its total

1 reserve. Any company's use of a net worth in excess of twenty-five thousand
 2 dollars (\$25,000) shall have its net worth reduced by twenty-five percent
 3 (25%) each year beginning January 1, 2009, until the net worth used by the
 4 company is no longer greater than twenty-five thousand dollars.

5 (b) The experience factor for a company shall be three percent (3%)
 6 minus one-tenth (1/10) of a percent for each year that a company has been in
 7 business, except no company shall have an experience factor of less than one
 8 percent (1%).

9 (c) Any company exceeding its maximum limits of liability shall be
 10 served notice by the board via certified mail, return receipt requested, and
 11 will have thirty (30) days from the date of mailing to comply with the
 12 maximum limits of liability of the company by either increasing its total
 13 reserve or providing documentation as to the exoneration of bonds.

14 (d) All bond written prior to January 1, 2008, shall be governed by
 15 the law existing at the time the bond was written.

16
 17 SECTION 15. Arkansas Code § 17-19-306 is amended to read as follows:
 18 17-19-306. Posting of bondsmen list.

19 (a)(1) The chief law enforcement officers of any facilities having
 20 individuals or prisoners in their custody shall post in plain view in the
 21 facility housing those individuals or prisoners a list of bonding companies
 22 ~~authorized to do business in the county provided by the circuit clerk that~~
 23 are registered under this section.

24 (2) The list ~~shall be prepared by the circuit clerk and approved~~
 25 ~~by the circuit court~~ Professional Bail Bond Company and Professional Bail
 26 Bondsman Licensing Board and shall contain the names of the professional bail
 27 bond companies which are registered ~~with the circuit clerk~~ for the purpose of
 28 being included on the list.

29 (3) This registration is for the purpose of being on the ~~phone~~
 30 list in each county only.

31 (4) Once a professional bail bond company has registered ~~with a~~
 32 ~~circuit clerk~~ to be on the phone list, it shall not be necessary for it to
 33 register each year. The company will keep its place on the list from year to
 34 year unless its license has been revoked, cancelled or not renewed, in which
 35 case it shall be removed from the list.

36 (5) The list shall be posted in each municipality of the county.

1 (b)(1) Professional bail bond companies shall be included on the list
 2 in the order in which they were initially registered with the circuit clerk
 3 pursuant to this chapter.

4 (2)(A) On or before January 1, 2008, the circuit court of each
 5 county shall certify the list as it exists on the date of certification and
 6 forward the certified list to the board.

7 (B) After January 1, 2008, the board shall maintain the
 8 list and shall be responsible for registrations.

9 ~~(2)(3)~~ The order of the company names on the list shall not
 10 change from year to year.

11 (c) The list shall be prepared by the circuit clerk board and approved
 12 ~~by the circuit court shall be prepared~~ pursuant to the following
 13 specifications:

14 (1) The list shall contain three (3) columns which shall be
 15 headed as follows:

- 16 (A) Bail bond company;
- 17 (B) Local address; and
- 18 (C) Telephone number;

19 (2) Each column shall contain the following information:

20 (A) Bail Bond Company. The professional bail bond company
 21 name and code number shall be typed in the first column on the left-hand side
 22 of the page, with the home office address, city, state, zip code, and home
 23 office telephone numbers directly under the company name in the same column.
 24 No more than two (2) telephone numbers shall be listed for each company. ~~The~~
 25 ~~order in which the company name appears on the list will stay in the same~~
 26 ~~order as it is registered with the circuit clerk pursuant to this chapter;~~

27 (B) Local Address. The second column shall contain one (1)
 28 address for each bail bond company; and

29 (C) Telephone Number. The third column shall contain no
 30 more than two (2) telephone numbers per company, to be typed directly across
 31 the page from the local address, which appears in the second column; and

32 (3) A solid line shall be placed between the end of the listing
 33 of one company and the beginning of the listing of the next company so that
 34 each company is clearly identified; ~~and~~

35 ~~(4) The name of the bail bond company will stay in the same~~
 36 ~~order that the company initially registered with the circuit clerk of each~~

1 ~~county pursuant to this chapter.~~

2 (d) The list shall be prepared by the ~~circuit clerk shall be~~ board in
3 the format of the following example:

4
5 EXAMPLE

6
7 LOCAL

BAIL BOND COMPANY	ADDRESS	TELEPHONE #
1. Company Name # AZ		555-0000
Home Office Address		1-800-666-0000
City, State, Zip		
Home Office		
Phone Number(s) (2)		

2. Company Name # ZA		
Home Office Address		
City, State, Zip		
Home Office		

1 Phone Number(s) (2)

2
3
4
5
6



7
8

9 3. Company Name # DX

10
11
12
13
14

Home Office Address

City, State, Zip

15
16

Home Office

17
18

Phone Number(s) (2)

19
20

SECTION 16. Arkansas Code Title 17, Chapter 19, Subchapter 4 is amended to add an additional section to read as follows:

21
22

17-19-404. Exception to education requirements.

23
24
25
26

Any licensed professional bail bondsman who is sixty-five (65) years of age or older and who has been licensed as a bail bondsman for fifteen (15) years or more shall be exempt from both the education and continuing education requirements of § 17-19-212 and § 17-19-401 et seq.

27
28

SECTION 17. Arkansas Code Title § 19-5-1088 is amended to read as follows:

29
30

19-5-1088. Bail Bondsman Board Fund.

31
32
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There is hereby established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State, a fund to be known as the Bail Bondsman Board Fund. This fund shall consist of those moneys ~~transferred from the State Insurance Department Trust Fund~~ deposited directly into the Bail Bondsman Board Fund by the Arkansas Professional Bail Bond Company and Professional Bail Bondsman Licensing Board from license fees, bond fees, and penalty collections and other moneys ~~from the collection of~~

1 ~~fees, there~~ collected by the board to be used exclusively for the operation
2 of the ~~Professional Bail Bondsman Licensing Board~~ board.

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