

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1245

5 By: Representative H. Wilkins
6

For An Act To Be Entitled

8 AN ACT REGARDING ACTIONS ON BAIL BONDS IN DISTRICT
9 COURTS; AND FOR OTHER PURPOSES.
10

Subtitle

11 REGARDING ACTIONS ON BAIL BONDS IN
12 DISTRICT COURTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-84-201 is amended to read as follows:
20 16-84-201. Action on bond in district courts.

21 (a)(1)(A) If the defendant fails to appear for trial or judgment, or
22 at any other time before the entry of judgment when his or her presence in
23 district court may be lawfully required, ~~or to surrender himself or herself~~
24 ~~in execution of the judgment,~~ the district court may direct the fact to be
25 entered on the minutes and shall promptly issue a warrant for the arrest of
26 the defendant, order that the warrant be promptly entered with the Arkansas
27 Crime Information Center by local law enforcement, and issue an order
28 requiring the surety to appear, on a date set by the district court not more
29 than one hundred twenty (120) days from the date notice is sent by certified
30 mail to the surety company at the address shown on the bond, whether or not
31 it is received by the surety, to show cause why the sum specified in the bail
32 bond or the money deposited in lieu of bail should not be forfeited.

33 (B) The one-hundred-twenty-day period in which the
34 defendant must be surrendered or apprehended under subdivision (c)(2) of this
35 section begins to run from the date notice is sent by certified mail to the
36 surety company at the address shown on the bond, whether or not it is



1 received by the surety.

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

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

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

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

8 (c)(1) If the defendant is surrendered, apprehended, or arrested, or
9 good cause is shown for his or her failure to appear before judgment is
10 entered against the surety, the district court shall exonerate a reasonable
11 amount of the surety's liability under the bail bond.

12 (2)(A) However, if the surety causes the apprehension of the
13 defendant or the defendant is ~~apprehended~~, surrendered, apprehended, or
14 arrested within one hundred twenty (120) days from the date notice is sent by
15 certified mail to the surety company at the address shown on the bond,
16 whether or not it is received by the surety, a judgment or forfeiture of bond
17 may not be entered against the surety, except as provided in subsection (e)
18 of this section.

19 (B) A judgment entered when the defendant has been
20 surrendered, apprehended, or arrested within one hundred twenty (120) days of
21 receipt of written notification to the surety of the defendant's failure to
22 appear is void.

23 (d) If after one hundred twenty (120) days from the date notice is
24 sent by certified mail to the surety company at the address shown on the
25 bond, whether or not it is received by the surety, the defendant has not
26 surrendered or been arrested, the bail bond or money deposited in lieu of
27 bail may be forfeited ~~without further notice or hearing~~.

28 (e) If the defendant is located in another state and the location is
29 known within one hundred twenty (120) days from the date notice is sent by
30 certified mail to the surety company at the address shown on the bond,
31 whether or not it is received by the surety, the appropriate law enforcement
32 officers shall cause the arrest of the defendant, and the surety shall be
33 liable for the cost of returning the defendant to the district court in an
34 amount not to exceed the face value of the bail bond.

35 (f)~~(1)~~ In determining the extent of liability of the surety on a bond
36 forfeiture, the court, ~~without further notice or hearing~~, may shall take into

1 consideration the expenses incurred by the surety in attempting to locate the
 2 defendant and may allow the surety credit for the expenses incurred.

3 ~~(2) To be considered by the court, information concerning~~
 4 ~~expenses incurred in attempting to locate the defendant should be submitted~~
 5 ~~to the court by the surety no later than the one hundred twentieth day from~~
 6 ~~the date notice is sent by certified mail to the surety company at the~~
 7 ~~address shown on the bond, whether or not it is received by the surety.~~

8 (g) Notwithstanding any law to the contrary, a district court may
 9 suspend a bail bond company's or agent's ability to issue bail bonds in its
 10 court if the bail bond company or agent fails to comply with an order of the
 11 district court or fails to pay forfeited bonds in accordance with a district
 12 court's order.

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