

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 698

5 By: Senator B. Ballinger
6 By: Representative Richmond
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For An Act To Be Entitled

8 AN ACT CONCERNING BAIL BONDS; AND FOR OTHER PURPOSES.
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Subtitle

12 CONCERNING BAIL BONDS.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 17-19-105 is amended to read as follows:
19 17-19-105. Prohibitions.

20 No professional bail bondsman or professional bail bond company, nor
21 court, nor law enforcement officer, nor any individual working on behalf of a
22 professional bail bondsman or professional bail bond company, shall:

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

25 (2) Solicit business or advertise for business in or about any
26 place where prisoners are confined or in or about any court;

27 (3) Suggest or advise the engagement of any bail bond company or
28 professional bail bondsman to underwrite a bail bond;

29 (4) Enter a police station, jail, sheriff's office, or other
30 place where persons in custody of the law are detained for the purpose of
31 obtaining employment as a professional bail bondsman or professional bail
32 bond company, without having been previously called by a person so detained
33 or by some relative or other authorized person acting for or in behalf of the
34 person so detained. Whenever such an entry occurs, the person in charge of
35 the facility shall be given and promptly record the mission of the licensee
36 and the name of the person calling the licensee and requesting him or her to



1 come;

2 (5) Pay a fee or rebate or give or promise anything of value to:

3 (A) A jailer, police officer, peace officer, committing
 4 magistrate, or any other person who has power to arrest or to hold in
 5 custody; or

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

9 (6) Pay a fee or rebate or give anything of value to an attorney
 10 in bail bond matters, except in defense of any action on a bond;

11 (7) Pay a fee or rebate or give or promise anything of value to
 12 the principal or anyone in his or her behalf;

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

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

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

18 (9) Accept anything of value from a principal except the
 19 premium, provided that the licensee shall be permitted to accept collateral
 20 security or other indemnity from the principal which shall be returned upon
 21 final termination of liability on the bond. The collateral security or other
 22 indemnity required by the licensee must be reasonable in relation to the
 23 amount of the bond; or

24 (10) Permit a bail bond to be executed to effect the release of
 25 a defendant without the bondsman being physically present.

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27 SECTION 2. Arkansas Code § 17-19-201(b), concerning bail bond
 28 licenses, is amended to read as follows:

29 (b) A professional bail bondsman shall not execute, ~~or~~ issue, or
 30 deliver an appearance bond in this state without holding a valid appointment
 31 from a professional bail bond company and without attaching to the appearance
 32 bond an executed and numbered power of attorney referencing the professional
 33 bail bond company.

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