

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1324**

**Bill Subtitle: CONCERNING AN OFFICER WHO DEFAULTS ON DELIVERING AN EXECUTION;  
EXTENDING THE TIME PERIOD DURING WHICH EXECUTIONS ARE RETURNABLE.**

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**Basic Change :**

Representative Steel

In 2003, Arkansas law was amended to require that before a judgment of default could be rendered against a sheriff or other officer for failing to properly serve and carry-out a writ of execution, it had to be established that the officer's actions were "willful." HB1324, for purposes of consistency, amends another statute pertaining to the execution of judgments, to provide that before an officer may be guilty of default and liable for the amount of money specified in the execution, it must be established that the officer's action or inaction was willful.

HB1324 also extends the time for executions to be returned by the sheriff as having been satisfied, partially satisfied, or unable to satisfy. That time period is extended from 60 days to 90 days.

**Revenue Impact :**

None

**Taxpayer Impact :**

None

**Resources Required :**

None

**Time Required :**

None

**Procedural Changes :**

None

**Other Comments :**

Officers get a large number of executions. It is often hard for them to work them within the 60 days required under §16-66-416(a) causing the writs to be returned to the collections department unexecuted. 90 days will give the Officers additional time to execute on the writs of executions.

**Legal Analysis :**

The effective date will be 90 days following adjournment.