



*Arkansas  
Sentencing  
Commission*

**Impact Assessment for HB1544  
Sponsored by Representatives Sullivan, Ladyman, et al.**

**Subtitle** TO REGULATE THE PRACTICES AND PROCEDURES OF PAWNBROKERS; AND TO HELP THE RIGHTFUL OWNER RECOVER STOLEN PROPERTY.

**Impact Summary**<sup>1</sup> Cannot be determined. This bill creates a new offense; therefore, data is not available for the number of occurrences of this course of conduct.

**Change from current law**<sup>2</sup> Amends Arkansas Code § 18-27-204(c), concerning the disposition of pawned property, by adding that a pawnbroker shall not dispose of personal property purchased or received until at least fifteen (15) calendar days after the personal property was purchased or pawned or at least seven (7) calendar days after the purchase or pawn is reported to the local police, whichever comes first, unless the personal property is returned to the rightful owner of the personal property. Current law only provides this exception if the personal property is redeemed by the person who sold or pawned it. See attached for current code provision.

Creates the Pawnbroker Reform and Disclosure Act, Arkansas Code Title 18, Chapter 27, Subchapter 3, to be codified at A.C.A. §§ 18-27-301 et seq. The proposed bill creates various provisions relating to the Act: Title (§ 18-27-301), Definitions (§ 18-27-302), Recovery of personal property and identifiable stolen personal property – Liability (§ 18-27-303), Notice concerning recovery of personal property and identifiable stolen personal property – Defacing identifiable stolen personal property (§ 18-27-304), Limitations on the purchase, maintenance, and disposition of personal property (§ 18-27-305), Right of inspection (§ 18-27-305), and Penalties (§ 18-27-306).

Under the proposed bill, a violation of the Pawnbroker Reform and Disclosure Act is a Class D felony.

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<sup>1</sup> This impact assessment was prepared (3/9/2015, 5:22 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y	10-40 years or life
Class A	6-30 years; up to \$15,000
Class B	5-20 years; up to \$15,000

Class C	3-10 years; up to \$10,000
Class D	0-6 years; up to \$10,000
Unclassified	As specified in statute

Misdemeanors	
Class A	Up to 1 year; up to \$2,500
Class B	Up to 90 days; up to \$1,000
Class C	Up to 30 days; up to \$500

**A.C.A. § 18-27-204. Limitations on the purchase and disposition of personal property.**

**(a)** As used in this section, "pawnbroker" means any person, firm, or corporation, or an agent of any person, firm, or corporation, who is engaged in the business of lending money upon the security of articles of personal property or purchasing personal property.

**(b)** No pawnbroker shall purchase or receive personal property as security from any person under eighteen (18) years of age who has not been emancipated under § 9-26-104.

**(c)** No pawnbroker shall dispose of personal property purchased or received as security until at least fifteen (15) calendar days after the personal property is purchased or pawned or at least seven (7) calendar days after the purchase or pawn is reported to the local police, whichever comes first, unless the personal property is redeemed by the person who sold or pawned it.

**(d)** The provisions of this section shall not be applicable to personal property purchased by the pawnbroker from a retailer or a wholesaler.

**(e) (1)** The failure on the part of a pawnbroker to comply with a provision of this section shall be a violation.

**(2)** Upon conviction, the offender shall be punished by a fine of not more than one thousand dollars (\$ 1,000).

HISTORY: Acts 1993, No. 1131, § 1; 2005, No. 1994, § 94.