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

# A Bill

HOUSE BILL 1245

5  
6 By: Representative H. Wilkins

7 Filed with: Interim House Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

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

### Subtitle

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14 REGARDING ACTIONS ON BAIL BONDS IN  
15 DISTRICT COURTS.

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

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21 SECTION 1. Arkansas Code § 16-84-201 is amended to read as follows:  
22 16-84-201. Action on bond in district courts.

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

35 (B) The one-hundred-twenty-day period in which the  
36 defendant must be surrendered or apprehended under subdivision (c)(2) of this

1 section begins to run from the date notice is sent by certified mail to the  
2 surety company at the address shown on the bond, whether or not it is  
3 received by the surety.

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

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

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

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

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

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

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

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

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

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

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

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

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16 Referred by the Arkansas House of Representatives

17 Prepared by: BPG/VJF  
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