

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Purdom

HOUSE BILL 1965

"AN ACT TO AMEND SUBSECTION (b) OF RULE 9.2 OF THE ARKANSAS RULES OF CRIMINAL PROCEDURE, TO PROVIDE THAT WHEN A JUDICIAL OFFICER REQUIRES A DEFENDANT TO POST AN UNSECURED APPEARANCE BOND AND TO DEPOSIT CASH OR SECURITIES EQUAL TO TEN PERCENT OF THE FACE AMOUNT OF THE BOND, AND THE DEFENDANT IS REPRESENTED BY COURT APPOINTED COUNSEL, AN ADDITIONAL PORTION OF THE DEPOSIT SHALL BE RETAINED BY THE COURT AND SHALL BE USED TO PAY COUNSEL APPOINTED TO DEFEND INDIGENT DEFENDANTS; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (b) of Rule 9.2 of the Arkansas Rules of Criminal Procedure is hereby amended to read as follows:

"(b) If it is determined that money bail should be set, the judicial officer shall require one (1) of the following:

(i) the execution of an unsecured bond in an amount specified by the judicial officer, either signed by other persons or not;

(ii) the execution of an unsecured bond in an amount specified by the judicial officer, accompanied by a deposit of cash or securities equal to ten percent of the face amount of the bond. If the defendant is not represented by court appointed counsel, ninety percent of the deposit shall be returned at the conclusion of the proceedings if the defendant has not defaulted in the performance of the conditions of the bond. If the defendant is represented by court appointed counsel, fifty percent (50%) of the deposit shall be returned at the conclusion of the proceedings if the defendant has not defaulted in the performance of the conditions of the bond, and eighty percent of the amount retained by the court as provided herein shall be deposited in the county treasury and

credited to the 'Indigent Defense Fund' to be used exclusively for compensating court appointed counsel for indigent defendants; or

(iii) the execution of a bond secured by the deposit of the full amount in cash, or by other property, or by obligation of qualified sureties."

SECTION 2. EMERGENCY. It is hereby found and determined by the General Assembly that under the present Rules of Criminal Procedure relating to release of defendants on money bail, if the judicial officer requires the defendant to post an unsecured bond and to deposit ten percent of the face value of the bond in cash or securities, ninety percent of this deposit is returned to the defendant if he or she does not default; that in many cases, the person directed to post such cash or securities is represented by court appointed counsel; that in those cases where an unsecured bond is posted and cash or securities equal to ten percent thereof is posted by or in behalf of the defendant and the defendant is represented by court appointed counsel, a portion of the deposit should be retained to help offset the cost to the county of compensating court appointed counsel; that this Act is designed to accomplish this purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

