

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Vess

# A Bill

HOUSE BILL 1674

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 16-84-114 TO LIMIT THE  
9 AUTHORITY OF A SURETY PROVIDING BAIL TO AUTHORIZE ANOTHER  
10 INDIVIDUAL TO ARREST A PERSON FAILING TO APPEAR IN COURT;  
11 AND FOR OTHER PURPOSES."

## Subtitle

14 "TO LIMIT THE AUTHORITY OF A BAIL  
15 BONDSMAN TO AUTHORIZE ANOTHER INDIVIDUAL  
16 TO ARREST A PERSON WHO FAILS TO APPEAR  
17 IN COURT."

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

21 SECTION 1. Arkansas Code 16-84-114 is amended to read as follows:

22 "16-84-114. Surrender of defendant.

23 (a)(1) At any time before the forfeiture of their bond, the surety may  
24 surrender the defendant, or the defendant may surrender himself, to the  
25 jailer of the county in which the offense was committed.

26 (2) However, the surrender must be accompanied by a certified  
27 copy of the bail bond to be delivered to the jailer, who must detain the  
28 defendant in custody thereon as upon a commitment and give a written  
29 acknowledgment of the surrender.

30 (3) The surety shall thereupon be exonerated.

31 (b) For the purpose of surrendering the defendant, the surety may  
32 obtain from the officer having in his custody the bail bond or recognizance a  
33 certified copy thereof, and thereupon at any place in the state may arrest  
34 the defendant, or by his written endorsement thereon, authorize another  
35 person to do so provided that person is:

- 1           (1) A licensed bail bondsman; or
- 2           (2) A licensed private investigator; or
- 3           (3) A certified law enforcement officer; or
- 4           (4) An individual with a minimum of two (2) years of actual work
- 5 experience as a bail bondsman, private investigator, or law enforcement
- 6 officer and who is at least twenty-one (21) years of age and who has no prior
- 7 felony convictions or convictions for any offense involving moral turpitude
- 8 or violence.

9           (c) The surety may arrest the defendant without the certified copy.

10          (d) If the surety has good cause for surrendering the defendant and

11 has complied with the provisions herein in surrendering the defendant, there

12 shall be no requirement that the surety return part or all of the premium

13 paid for the bail bond."

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15          SECTION 2. All provisions of this act of general and permanent nature

16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

17 Revision Commission shall incorporate the same in the Code.

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19          SECTION 3. If any provisions of this act or the application thereof to

20 any person or circumstance is held invalid, the invalidity shall not affect

21 other provisions or applications of the act which can be given effect without

22 the invalid provisions or application, and to this end the provisions of this

23 act are declared to be severable.

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25          SECTION 4. All laws and parts of laws in conflict with this act are

26 hereby repealed.

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