

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

# A Bill

HOUSE BILL 1729

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-84-201 TO ALLOW THE  
9 COURT TO TAKE INTO CONSIDERATION EXPENSES INCURRED BY  
10 SURETIES WHEN DETERMINING THEIR LIABILITY ON A BOND  
11 FORFEITURE; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO ALLOW THE COURT TO TAKE INTO  
15 CONSIDERATION EXPENSES INCURRED BY  
16 SURETIES WHEN DETERMINING THEIR  
17 LIABILITY ON A BOND FORFEITURE."

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

21 SECTION 1. Arkansas Code 16-84-201 is amended to read as follows:

22 "16-84-201. Action on bond.

23 (a) If the defendant fails to appear for trial or judgment, or at any  
24 other time when his presence in court may be lawfully required, or to  
25 surrender himself in execution of the judgment, the court may direct the fact  
26 to be entered on the minutes, and shall promptly issue an order requiring the  
27 surety to appear, on a date set by the court not less than ninety (90) days  
28 nor more than one hundred twenty (120) days after the issuance of the order,  
29 to show cause why the sum specified in the bail bond or the money deposited  
30 in lieu of bail should not be forfeited. The 120-day period begins to run  
31 from the date notice is sent by certified mail to the surety company at the  
32 address shown on the bond, whether or not it is received by the surety. The  
33 order shall also require the officer who was responsible for taking of bail  
34 to appear unless:

35 (1) The surety is a bail bondsman; or

1           (2) *The officer accepted cash in the amount of bail.*

2           (b) *The appropriate law enforcement agencies shall make every*  
3 *reasonable effort to apprehend the defendant.*

4           (c) *If the defendant is surrendered, arrested, or good cause is shown*  
5 *for his failure to appear before judgment is entered against the surety, the*  
6 *court shall exonerate a reasonable amount of the surety's liability under the*  
7 *bail bond. However, if the surety causes the apprehension of the defendant,*  
8 *or the defendant is apprehended within one hundred twenty (120) days from the*  
9 *date of receipt of written notification to the surety of the defendant's*  
10 *failure to appear, no judgment or forfeiture of bond may be entered against*  
11 *the surety, except as provided in subsection (e) of this section.*

12           (d) *If, after one hundred twenty (120) days, the defendant has not*  
13 *surrendered or been arrested, prior to judgment against the surety, the bail*  
14 *bond or money deposited in lieu of bail may be forfeited.*

15           (e) *If, before judgment is entered against the surety, the defendant*  
16 *is located in another state, and the location is known, the appropriate law*  
17 *enforcement officers shall cause the arrest of the defendant and the surety*  
18 *shall be liable for the cost of returning the defendant to the court in an*  
19 *amount not to exceed the face value of the bail bond.*

20           (f) *In determining the extent of liability of the surety on a bond*  
21 *forfeiture, the court may take into consideration the expenses incurred by*  
22 *the surety in attempting to locate the defendant and may allow the surety*  
23 *credit for the expenses incurred."*

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25           SECTION 2. All provisions of this act of general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.

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29           SECTION 3. If any provisions of this act or the application thereof to  
30 any person or circumstance is held invalid, the invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provisions or application, and to this end the provisions of this  
33 act are declared to be severable.

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

1 hereby repealed.

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*/s/Rep. Vess*

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***As Engrossed: 3/22/95***

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