

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

A Bill

SENATE BILL 173

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-66-119 TO PROVIDE THAT
9 NO OFFICER FAILING TO SERVE A WRIT OF EXECUTION IS LIABLE
10 FOR THAT FAILURE IF IT CAN BE PROVED THAT THERE WAS NO
11 PROPERTY UPON WHICH THE EXECUTION COULD BE SERVED; AND FOR
12 OTHER PURPOSES."

Subtitle

15 "AN ACT CONCERNING THE EXECUTION OF
16 WRITS.

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

20 SECTION 1. Arkansas Code 16-66-119 is amended to read as follows:

21 "16-66-119. Immunity of law enforcement officers.

22 (a) Any sheriff or other law enforcement officer acting reasonably, in
23 good faith, and not in violation of clearly established law, and exercising
24 due care while serving and executing writs of execution shall have immunity
25 from suit and civil liability and shall not be liable for any civil damages
26 for acts performed in the official performance of his duties.

27 (b) *No sheriff or other law enforcement officer shall be liable for*
28 *failure to serve, execute, or timely return a writ of execution if it can be*
29 *shown by the sheriff or other law enforcement officer that the individual or*
30 *entity, upon which the writ should have been served or executed, lacked any*
31 *property not otherwise exempt and under state or federal law upon which the*
32 *writ could have been served or executed."*

34 SECTION 2. All provisions of this act of a general and permanent
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

2

3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

8

9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

11

12

13

14

15

16

17

18

/s/Fitch

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2