

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

# A Bill

SENATE BILL

63

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 16-84-105 REGARDING THE  
9 RESPONSIBILITY OF AN OFFICER TAKING BOND FROM SOMEONE  
10 OTHER THAN A PROFESSIONAL BAIL BONDSMAN; AND FOR OTHER  
11 PURPOSES."

## Subtitle

14 "TO AMEND PORTIONS OF LAW REGARDING THE  
15 RESPONSIBILITIES OF OFFICERS TAKING BOND  
16 FROM PERSONS NOT PROFESSIONAL BAIL  
17 BONDSMEN."

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

21 SECTION 1. Arkansas Code § 16-84-105 is amended to read as follows:

22 "16-84-105. Responsibility of officer taking bail.

23 (a) The officer who takes bail shall be officially responsible for the  
24 sufficiency of the surety if taken other than through a professional bail  
25 bondsman.

26 (b) If the surety is not a professional bail bondsman, and the  
27 defendant has not yet appeared before a judicial officer pursuant to Rule 9  
28 of the Arkansas Rules for Criminal Procedure, the officer shall file a  
29 statement with the court describing the property of the surety upon which the  
30 sufficiency of the surety is based. The description of the property shall  
31 include the value of the property. The statement shall also be signed by the  
32 sheriff or chief of police in the jurisdiction where the defendant is  
33 charged.

34 (c) The officer who takes bail shall give a prenumbered written  
35 receipt for the collateral. The receipt shall give in detail a full account

1 of the collateral received.

2 (d) An officer who takes bail shall not be liable for any bond ordered  
3 by a judicial officer under Rule 9.2 (b)(i) or (ii) of the Arkansas Rules of  
4 Criminal Procedure."

5

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

9

10 SECTION 3. If any provisions of this act or the application thereof to  
11 any person or circumstance is held invalid, the invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provisions or application, and to this end the provisions of this  
14 act are declared to be severable.

15

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17 hereby repealed.

18

*/s/Everett*

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2