

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

A Bill

SENATE BILL 651

For An Act To Be Entitled

"THE PAWNBROKER_S ACT."

Subtitle

"THE PAWNBROKER_S ACT."

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

SECTION 1. (a) Whenever any law enforcement officer has probable cause to believe that property held by a pawnbroker is stolen, the officer may place a hold on the property until the investigation or prosecution is completed, but not to exceed one (1) year.

(b) To place a hold on such property the officer shall give the pawnbroker verbal notice followed by written notice within forty-eight (48) hours at the time the hold is imposed that describes with specificity the item or items to be held. During the hold the pawnbroker shall not release or dispose of the property except upon court order or when needed by the appropriate authorities for purposes of criminal investigation or prosecution. In taking the property for such purposes the authorities shall give the pawnbroker a written receipt for the property that describes the property and records the time of the taking.

(c) Whenever property in possession of a pawnbroker is required for purposes of criminal investigation or prosecution, the pawnbroker upon reasonable notice shall produce the property and surrender possession of it to the appropriate authorities who request the property for such purposes. Whenever the property is no longer required for these purposes it shall be returned to the pawnbroker.

(d) If any prosecution results in the conviction of a person with respect to a wrongful taking of the property and if the pawnbroker returns

1 the property to the victim or someone claiming through the victim, the
2 convicted person's sentence or other sanction shall include restitution to
3 the pawnbroker of any value that the pawnbroker gave for the property plus
4 appropriate interest calculated from the time the value was given.

5 (e) A pawnbroker may acquire good title to property acquired for value
6 in the ordinary course of business, except that the pawnbroker's title is
7 subject to the rights of any person having an interest in the property before
8 the pawnbroker acquired it. The pawnbroker nevertheless is not required to
9 return the property to such a person, and is not otherwise liable to him,
10 unless the person is entitled to possession as against the pawnbroker and the
11 person provides an affidavit to the effect that the person:

12 (1) has not and will not claim insurance or other compensation
13 for loss of the property,

14 (2) *has made a police report identifying the property as having*
15 *been stolen, and*

16 (3) will cooperate fully in any investigation and prosecution
17 with respect to the taking.

18
19 *SECTION 2. Nothing in this act shall be deemed to abolish or affect a*
20 *person's right to replevin property pursuant to Arkansas Code 18-60-801, et*
21 *seq.*

22
23 *SECTION 3. All provisions of this act of a general and permanent*
24 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*
25 *Code Revision Commission shall incorporate the same in the Code.*

26
27 *SECTION 4. If any provision of this act or the application thereof to*
28 *any person or circumstance is held invalid, such invalidity shall not affect*
29 *other provisions or applications of the act which can be given effect without*
30 *the invalid provision or application, and to this end the provisions of this*
31 *act are declared to be severable.*

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33 *SECTION 5. All laws and parts of laws in conflict with this act are*
34 *hereby repealed.*

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As Engrossed: 3/16/95

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/s/Bell

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