

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2264

4
5 By: Representative Critcher
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND SUBCHAPTER 1 OF TITLE 16, CHAPTER 84, OF
10 THE ARKANSAS CODE OF 1987, ANNOTATED, REGARDING BAIL, TO
11 ADD A NEW SECTION 16-84-117 TO LIMIT THE AUTHORITY OF BAIL
12 BONDSMEN TO USE DESTRUCTIVE FORCE TO APPREHEND AND ARREST
13 DEFENDANTS; AND FOR OTHER PURPOSES."

Subtitle

14
15
16 "TO LIMIT THE AUTHORITY OF BAIL BONDSMEN
17 TO USE DESTRUCTIVE FORCE TO APPREHEND
18 AND ARREST DEFENDANTS."
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Subchapter 1 of Title 16, Chapter 84, of the Arkansas Code of
23 1987, Annotated, is amended to add a new § 16-84-117 to read as follows:

24 "16-84-117. Bondsman authority to apprehend limited.

25 (a) For the purposes of apprehending or arresting a defendant to return
26 him to custody as provided for in § 16-84-114, the surety or any person
27 authorized by his endorsement shall not be authorized:

28 (1) to break and enter the house or other occupiable structure in
29 order to arrest or apprehend the defendant;

30 (2) to use more than a reasonable amount of physical force against
31 the person of the defendant or against any other person in the pursuit or
32 apprehension of the defendant; or

33 (3) to trespass onto the property of the defendant or another
34 person without permission.

35 (b) A licensed bail bondsman or licensed private investigator who
36 violates the provisions of this section shall be liable to a property owner

1 for double any actual damages for breaking or entering a house or other
 2 occupiable structure in order to arrest or apprehend a defendant or for
 3 trespassing onto the property of the defendant or another person without
 4 permission.

5 (c) In addition to a civil action in subsection (b) of this section, any
 6 defendant or other person aggrieved by a licensed bail bondsman or licensed
 7 private investigator under the provisions of this section may file a complaint
 8 with the licensing authority to suspend the license of the offending bail
 9 bondsman or private investigator. The licensing board, upon a determination,
 10 that the licensee violated this section shall suspend the license of the
 11 violator for not less than one (1) year."

12

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

16

17 SECTION 3. If any provisions of this act or the application thereof to
 18 any person or circumstance is held invalid, the invalidity shall not affect
 19 other provisions or applications of the act which can be given effect without
 20 the invalid provisions or application, and to this end the provisions of this
 21 act are declared to be severable.

22

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

25

26

27

28

29

30

31

32

33

34

35