

1 State of Arkansas

2 82nd General Assembly

3 Regular Session, 1999

# A Bill

SENATE BILL 852

4  
5 By: Senator Wooldridge

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 17-19-105 TO PROHIBIT  
10 BAIL BONDSMEN FROM EXECUTING BAIL BONDS IN EXCESS OF  
11 TWENTY THOUSAND DOLLARS ON CREDIT; AND FOR OTHER  
12 PURPOSES. "

## Subtitle

15 "AN ACT TO AMEND ARKANSAS CODE § 17-19-  
16 105 TO PROHIBIT BAIL BONDSMEN FROM  
17 EXECUTING BAIL BONDS IN EXCESS OF TWENTY  
18 THOUSAND DOLLARS ON CREDIT. "

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

23 SECTION 1. Arkansas Code 17-19-105 is amended to read as follows:  
24 "17-19-105. Prohibitions.

25 No professional bail bondsman or professional bail bond company, nor  
26 court, nor law enforcement officer nor any individual working on behalf of a  
27 professional bail bondsman or professional bail bond company, shall:

28 (1) Require as a condition of his executing a bail bond that the  
29 principal agree to engage the services of a specified attorney;

30 (2) Solicit business or advertise for business in or about any place  
31 where prisoners are confined or in or about any court;

32 (3) Suggest or advise the engagement of any bail bond company or  
33 professional bail bondsman to underwrite a bail bond;

34 (4) Enter a police station, jail, sheriff's office, or other place  
35 where persons in custody of the law are detained for the purpose of obtaining  
36 employment as a professional bail bondsman or professional bail bond company,

1 without having been previously called by a person so detained or by some  
 2 relative or other authorized person acting for or in behalf of the person so  
 3 detained. Whenever such entry occurs, the person in charge of the facility  
 4 shall be given, and promptly record, the mission of the licensee and the name  
 5 of the person calling the licensee and requesting him to come;

6 (5) Pay a fee or rebate or give or promise anything of value to:

7 (A) A jailer, policeman, peace officer, committing magistrate, or  
 8 any other person who has power to arrest or to hold in custody; or

9 (B) Any public official or public employee in order to secure a  
 10 settlement, compromise, remission, or reduction of the amount of any bail bond  
 11 or estreatment thereof;

12 (6) Pay a fee or rebate or give anything of value to an attorney in  
 13 bail bond matters, except in defense of any action on a bond;

14 (7) Pay a fee or rebate or give or promise anything of value to the  
 15 principal or anyone in his behalf;

16 (8)(A) Participate in the capacity of an attorney at a trial or hearing  
 17 of one on whose bond he is surety;

18 (B) Attempt to obtain settlement or dismissal of a case;

19 (C) Give or attempt to give any legal advice to one on whose bond  
 20 he is surety; or

21 ~~(9) Accept anything of value from a principal except the premium,~~  
 22 ~~provided that the licensee shall be permitted to accept collateral security or~~  
 23 ~~other indemnity from the principal which shall be returned upon final~~  
 24 ~~termination of liability on the bond. The collateral security or other~~  
 25 ~~indemnity required by the licensee must be reasonable in relation to the~~  
 26 ~~amount of the bond. Execute a bail bond on credit except as follows:~~

27 (A) Bail bonds in the amount of \$0 to \$10,000 may be executed  
 28 fully on credit;

29 (B) Bail bonds in the amount of \$10,001 to \$20,000 may be executed  
 30 on 50% credit; and,

31 (C) Bail bonds in excess of the amount of \$20,000 may not be  
 32 executed on credit and the bail bondman may not accept anything of value from  
 33 the principal for the execution of the bail bond except the premium."  
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35 SECTION 2. All provisions of this act of a general and permanent nature  
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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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.

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