

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1716

4
5 By: Representative Davenport
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE STATUTORY RIGHT OF RECOVERY
10 OF GAMBLING DEBTS OR LOSSES TO ELIMINATE ANY
11 DEFENSE TO A CRIME AND TO OVERRULE DANIELS V.
12 STATE, 373 Ark. 536, ___ S.W.3d ___ (2008); AND
13 FOR OTHER PURPOSES.
14

Subtitle

15
16 TO AMEND THE STATUTORY RIGHT OF RECOVERY
17 OF GAMBLING DEBTS AND LOSSES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 5, Chapter 2, Subchapter 6 is amended
25 to add an additional section to read as follows:

26 5-2-622. Gambling debts and losses.

27 It is no defense to a prosecution for a crime of violence that a person
28 was seeking recovery or replevin of a gambling debt or loss in circumstances
29 in which civil recovery is permitted by § 16-118-103.
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31 SECTION 2. Arkansas Code § 16-118-103(a)(1), concerning gambling debts
32 and losses, is amended to read as follows:

33 (a)(1)(A)(i) Any person who loses any money or property at any game or
34 gambling device, or any bet or wager whatever, may recover the money or
35 property by obtaining a judgment ordering the return of the money or property
36 following an action against the person winning the money or property.



(ii) The suit shall be instituted within ninety (90) days after the paying over of the money or property so lost.

(B) The replevin suit provided for in subdivision (a)(1)(A) of this section does not excuse a person from liability for, or create a defense under § 5-2-601 et seq. to any crime of violence with which he or she may be charged as a result of conduct to recover money or property so lost.

SECTION 3. It is the intent of this Act to overrule Daniels v. State, 373 Ark. 536, S.W.3d (2008), and its interpretation of §16-118-103(a)(1). That case and its interpretation of replevin and the holding in Davidson v. State, 200 Ark. 495, 139 S.W.2d 409 (1940), are contrary to the public policy of this State.

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