

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

SENATE BILL 1068

4  
5 By: Senator J. English  
6

## For An Act To Be Entitled

8 AN ACT PROVIDING FOR THE RETURN OF STOLEN PROPERTY  
9 HELD BY A PAWN SHOP TO THE TRUE OWNER; AND FOR OTHER  
10 PURPOSES.

## Subtitle

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13 PROVIDING FOR THE RETURN OF STOLEN  
14 PROPERTY HELD BY A PAWN SHOP TO THE TRUE  
15 OWNER.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 18-27-202 is amended to read as follows:

22 18-27-202. Return of stolen personal property to true owner.

23 (a) When ~~any a~~ pawnbroker in this state ~~shall, in good faith or~~  
24 ~~otherwise, acquire,~~ acquires by purchase, pawn, gift, or otherwise, ~~any an~~  
25 article of personal property ~~which that~~ has been stolen from the true owner  
26 ~~thereof,~~ the pawnbroker shall return the article of personal property to the  
27 true owner ~~thereof~~ upon ~~his or her~~ the true owner's request and the execution  
28 of ~~his or her~~ the true owner's affidavit of ~~possession~~ ownership.

29 (b)(1) If the pawnbroker fails or refuses to return the article of  
30 personal property as provided in subsection (a) of this section, the  
31 pawnbroker shall file a petition in the district court with jurisdiction  
32 requesting a determination of ownership of the article of personal property  
33 alleged to have been stolen.

34 (2)(A) If the district court finds that the person purporting to  
35 be the true owner is in fact the true owner of the stolen article of personal  
36 property, the district court shall require the pawnbroker to produce a copy



1 of the receipt reflecting the pawnbroker's acquisition of the stolen article  
2 of personal property.

3 (B) If the court refuses to recognize the validity of the  
4 receipt or if the pawnbroker fails or refuses to produce the receipt as  
5 required by subdivision (b)(2)(A) of this section, the district court shall:

6 (i) Determine the fair market value of the stolen  
7 article of personal property; and

8 (ii) Order the pawnbroker to fully reimburse the  
9 true owner the fair market value of the stolen article of personal property.

10 (3)(A) If the pawnbroker fails or refuses to file a petition as  
11 required by subdivision (b)(1) of this section, the true owner of the stolen  
12 item of personal property may file a civil action for replevin against the  
13 pawnbroker.

14 (B) The true owner is entitled to treble damages if he or  
15 she prevails in a civil action for replevin under subdivision (b)(3)(A) of  
16 this section.

17 (c) If the court determines that the person alleging that the article  
18 of stolen personal property is in fact the true owner, the court may in its  
19 discretion order the true owner to reimburse the pawn shop, in part or in  
20 full.

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22 SECTION 2. Arkansas Code § 18-27-203 is repealed.

23 ~~18-27-203. Refusal to return property—Liability.~~

24 ~~(a) If any pawnbroker shall fail or refuse to return any property to~~  
25 ~~the true owner thereof when requested to do so by him or her as provided in §~~  
26 ~~18-27-202, it shall be necessary for the true owner to resort to legal action~~  
27 ~~to recover the property.~~

28 ~~(b) In the event that the true owner is successful in a legal action,~~  
29 ~~the defendant pawnbroker shall be required to pay all reasonable expenses~~  
30 ~~incurred by the owner in recovering the property, including court costs and~~  
31 ~~attorneys' fees, and any damages suffered by the true owner as a result of~~  
32 ~~the pawnbroker's failing or refusing to return the property to the true owner~~  
33 ~~when so requested by him or her.~~