

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/13/17

A Bill

HOUSE BILL 2012

5 By: Representative Vaught
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE POSTING OF BOND TO RELEASE A
9 PERSON FROM JAIL; CONCERNING THE POSTING OF BOND BY A
10 MINOR TO RELEASE A PERSON FROM JAIL; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 CONCERNING THE POSTING OF BOND TO RELEASE
15 A PERSON FROM JAIL; AND CONCERNING THE
16 POSTING OF BOND BY A MINOR TO RELEASE A
17 PERSON FROM JAIL.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 16-81-109 is amended to read as follows:*
24 *16-81-109. Bail.*

25 *(a)(1) When ~~any~~ a county sheriff or other law enforcement officer*
26 *makes an arrest, he or she is authorized to take and to approve bail in the*
27 *manner provided by law wherever he or she makes the arrest.*

28 *(2)(A) If the offense charged is a misdemeanor, the person*
29 *arrested may immediately give bail for appearing on a day to be named in the*
30 *bail bond before the judge or magistrate who issued the warrant or before the*
31 *court having jurisdiction to try the offense.*

32 *(B) The county sheriff or other officer making the arrest*
33 *may be authorized by the judge or magistrate issuing the warrant to take the*
34 *bail by an endorsement made on the warrant to that effect.*

35 *(b)(1) If the defendant gives bail for his or her appearance before*
36 *the judge or magistrate for an examination of the charge, as provided in*



1 subsection (a) of this section, the county sheriff or officer taking the bail
2 shall fix the day of the defendant's appearance.

3 (2) A deviation from the provisions of subdivision (b)(1) of
4 this section shall not, however, render the bail bond invalid.

5 (c) Bail may not be posted for a defendant by a minor unless:

6 (1) The minor is the defendant;

7 (2) The minor is accompanied by a parent or guardian; or

8 (3) As ordered by a court.

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10 SECTION 2. Arkansas Code § 16-84-106 is amended to read as follows:

11 ~~16-84-106. Attorneys and officers not to be sureties~~ Persons
12 prohibited from being a surety.

13 ~~No attorney, solicitor, or counselor at law or in equity, clerk,~~
14 ~~sheriff, chief of police, law enforcement officer, or other person concerned~~
15 ~~in the execution of any process, shall become~~ The following persons may not
16 be a personal guarantor or surety in any a criminal proceeding:

17 (1) An attorney, in his or her official capacity as an attorney;

18 (2) A clerk of the court, in his or her official capacity as a
19 clerk of the court;

20 (3) A county sheriff, municipal chief of police, or law
21 enforcement officer, in his or her official capacity as a county sheriff,
22 municipal chief of police, or law enforcement officer;

23 (4) A minor, unless:

24 (A) The minor is the defendant;

25 (B) The minor is accompanied by a parent or guardian; or

26 (C) As ordered by a court; or

27 (5) Other person concerned in the execution of any process.

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29 SECTION 3. Arkansas Code Title 17, Chapter 19, Subchapter 3, is
30 amended to add an additional section to read as follows:

31 17-19-307. Bond by minor prohibited.

32 A licensee under this chapter shall not accept money or collateral from
33 a minor for the purposes of satisfying a bond premium unless:

34 (1) The minor is the defendant;

35 (2) The minor is accompanied by a parent or guardian; or

36 (3) As ordered by a court.

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/s/Vaught