

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1618

5 By: Representative Richardson
6 By: Senator L. Chesterfield
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE RELEASE FROM CUSTODY OF A
10 PERSON ON BAIL OR BY THE ISSUANCE OF A CITATION; AND
11 FOR OTHER PURPOSES.
12
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Subtitle

15 CONCERNING THE RELEASE FROM CUSTODY OF A
16 PERSON ON BAIL OR BY THE ISSUANCE OF A
17 CITATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 16-81-109 is amended to read as follows:

23 16-81-109. Release from custody – Bail or citation.

24 (a)(1) ~~When any sheriff or other law enforcement officer makes an~~
25 ~~arrest, he or she is authorized to take and to approve bail in the manner~~
26 ~~provided by law wherever he or she makes the arrest~~ For a felony offense, a
27 judicial officer shall set cash or money bail only after he or she determines
28 that no other conditions will reasonably ensure the appearance of the
29 defendant in court.

30 (2)(A) ~~If the offense charged is a misdemeanor, the person~~
31 ~~arrested may immediately give bail for appearing on a day to be named in the~~
32 ~~bail bond before the judge or magistrate who issued the warrant or before the~~
33 ~~court having jurisdiction to try the offense. The sheriff or other officer~~
34 ~~making the arrest may be authorized by the judge or magistrate issuing the~~
35 ~~warrant to take the bail by an endorsement made on the warrant to that effect~~
36 For a misdemeanor offense, the arresting officer shall issue an electronic



1 citation or prepare in duplicate a written citation to appear in court
 2 containing:

3 (i) The name and address of the person;

4 (ii) The driver's license, state identification, or
 5 passport number of the person;

6 (iii) The offense charged; and

7 (iv)(a) The time and location of the person's court
 8 date, including the court's contact information.

9 (b) The time specified to appear must be at
 10 least five (5) days after the issuance of the citation.

11 (c) The location specified to appear shall be
 12 before a district court judge with jurisdiction within the county in which
 13 the offense charged is alleged to have been committed.

14 (B) If issued a written citation, the arrested person
 15 shall give his or her written promise to appear in court by signing in
 16 duplicate the citation prepared by the arresting officer.

17 (C) If issued an electronic citation, the arrested person
 18 shall acknowledge receipt of the electronic citation and give his or her
 19 promise to appear in court by acceptance of the electronic citation.

20 (D) The original of the citation shall be retained by the
 21 officer or electronically transmitted to the district court and a copy of the
 22 citation shall be delivered to the person arrested.

23 (3) Cash or money bail in any form for ordinance violations and
 24 misdemeanor offenses is prohibited.

25 (b) Cash or money bail in any form is considered only a last resort
 26 and shall be used only to assure the defendant's appearance.

27 ~~(b)(1)(c)(1)~~ If the defendant gives bail for his or her appearance
 28 before the judge or magistrate for an examination of the charge, as provided
 29 in subsection (a) of this section, the sheriff or officer taking the bail
 30 shall fix the day of the defendant's appearance.

31 (2) A deviation from the provisions of subdivision ~~(b)(1)(c)(1)~~
 32 of this section shall not, however, render the bail bond invalid.

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