

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

# A Bill

SENATE BILL 529

5 By: Senator A. Clark  
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## For An Act To Be Entitled

8 AN ACT CONCERNING THE RETURN OF STOLEN PROPERTY IN  
9 THE POSSESSION OF A PAWNBROKER TO THE RIGHTFUL OWNER;  
10 AND FOR OTHER PURPOSES.  
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## Subtitle

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13 CONCERNING THE RETURN OF STOLEN PROPERTY  
14 IN THE POSSESSION OF A PAWNBROKER TO THE  
15 RIGHTFUL 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 § 18-27-302(1), concerning the definition of  
22 "dealer" as it pertains to the Dealer in Secondhand Goods Reform and  
23 Disclosure Act, is amended to read as follows:

24 (1)~~(A)~~ "Dealer" means an individual or entity that is engaged in  
25 the business of:

26 ~~(A)(i)~~ Lending money upon the security of an article  
27 of personal property that is retained by the individual or entity until:

28 ~~(i)(a)~~ The loan is repaid; or

29 ~~(i)(b)~~ The time to repay the loan has  
30 expired; or

31 ~~(B)(ii)~~ Purchasing other than at wholesale or retail  
32 an article of personal property for resale in any form.

33 (B) "Dealer" includes a pawnbroker:

34 (i) Who is licensed by the Pawnbroker Licensure  
35 Commission under the Arkansas Pawnbroker Act, § 17-56-101 et seq.; or

36 (ii) As defined under § 18-27-204;



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SECTION 2. Arkansas Code § 18-27-303 is amended to read as follows:

18-27-303. Recovery of personal property and identifiable stolen personal property – Liability.

(a) An owner of stolen personal property may request that a dealer return the stolen property without charge to the owner or provide full restitution by signing and following the terms of the affidavit in favor of the dealer as described in § 18-27-304(b).

(b) Unless reasonable cause exists, within seven (7) days after the later of the receipt of an affidavit described in § 18-27-304(b) and the written release, either conditional or outright, of any property hold issued by any law enforcement agency with respect to the identifiable stolen property, a dealer shall:

(1) Deliver the identifiable stolen property to the owner or, if applicable, pay the owner of the stolen personal property full restitution;

or

(2) File a legal action in a court of competent jurisdiction to determine ownership.

(c) If the dealer refuses to make an election under subsection (b) of this section, the owner may file a replevin action to recover the property and the court may award and apportion costs and attorney’s fees as appropriate under the facts of the case.