

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

As Engrossed: S3/22/21

A Bill

SENATE BILL 529

5 By: Senator A. Clark
6

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.
11

Subtitle

14 CONCERNING THE RETURN OF STOLEN PROPERTY
15 IN THE POSSESSION OF A PAWNBROKER TO THE
16 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 *~~(ii)(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)(1) 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).

(2)(A) An affidavit described under subdivision (a)(1) of this section shall be filed with the local law enforcement agency having jurisdiction along with reporting to the law enforcement agency and filing any required documents proving that the owner has located his or her stolen property in the possession of the dealer.

(B) The report to law enforcement described under subdivision (a)(2)(A) of this section is not a presumption that the dealer received the stolen property in an unlawful manner.

(3) An owner who knowingly files a false affidavit or false police report is subject to prosecution.

(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.

/s/A. Clark