

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 698

By: Senator B. Ballinger
By: Representative Richmond

For An Act To Be Entitled

AN ACT CONCERNING BAIL BONDS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING BAIL BONDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-19-105 is amended to read as follows:
17-19-105. Prohibitions.

No professional bail bondsman or professional bail bond company, nor court, nor law enforcement officer, nor any individual working on behalf of a professional bail bondsman or professional bail bond company, shall:

- (1) Require as a condition of his or her executing a bail bond that the principal agree to engage the services of a specified attorney;
- (2) Solicit business or advertise for business in or about any place where prisoners are confined or in or about any court;
- (3) Suggest or advise the engagement of any bail bond company or professional bail bondsman to underwrite a bail bond;
- (4) Enter a police station, jail, sheriff's office, or other place where persons in custody of the law are detained for the purpose of obtaining employment as a professional bail bondsman or professional bail bond company, without having been previously called by a person so detained or by some relative or other authorized person acting for or in behalf of the person so detained. Whenever such an entry occurs, the person in charge of the facility shall be given and promptly record the mission of the licensee and the name of the person calling the licensee and requesting him or her to



come;

(5) Pay a fee or rebate or give or promise anything of value to:

(A) A jailer, police officer, peace officer, committing magistrate, or any other person who has power to arrest or to hold in custody; or

(B) Any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment thereof;

(6) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(7) Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf;

(8)(A) Participate in the capacity of an attorney at a trial or hearing of one on whose bond he or she is surety;

(B) Attempt to obtain settlement or dismissal of a case;

(C) Give or attempt to give any legal advice to one on whose bond he or she is surety; ~~or~~

(9) Accept anything of value from a principal except the premium, provided that the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. The collateral security or other indemnity required by the licensee must be reasonable in relation to the amount of the bond; or

(10) Permit a bail bond to be executed to effect the release of a defendant without the bondsman being physically present.

SECTION 2. Arkansas Code § 17-19-201(b), concerning bail bond licenses, is amended to read as follows:

(b) A professional bail bondsman shall not execute, ~~or~~ issue, or deliver an appearance bond in this state without holding a valid appointment from a professional bail bond company and without attaching to the appearance bond an executed and numbered power of attorney referencing the professional bail bond company.

APPROVED: 4/29/21