

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 1068

By: Senator J. English

## For An Act To Be Entitled

AN ACT PROVIDING FOR THE RETURN OF STOLEN PROPERTY  
HELD BY A PAWN SHOP TO THE TRUE OWNER; AND FOR OTHER  
PURPOSES.

## Subtitle

PROVIDING FOR THE RETURN OF STOLEN  
PROPERTY HELD BY A PAWN SHOP TO THE TRUE  
OWNER.

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

SECTION 1. Arkansas Code § 18-27-202 is amended to read as follows:

18-27-202. Return of stolen personal property to true owner.

(a) When ~~any a~~ pawnbroker in this state ~~shall, in good faith or otherwise, acquire,~~ acquires by purchase, pawn, gift, or otherwise, ~~any an~~ article of personal property ~~which that~~ that has been stolen from the true owner ~~thereof~~, the pawnbroker shall return the article of personal property to the true owner ~~thereof~~ upon ~~his or her~~ the true owner's request and the execution of ~~his or her~~ the true owner's affidavit of ~~possession~~ ownership.

(b)(1) If the pawnbroker fails or refuses to return the article of personal property as provided in subsection (a) of this section, the pawnbroker shall file a petition in the district court with jurisdiction requesting a determination of ownership of the article of personal property alleged to have been stolen.

(2)(A) If the district court finds that the person purporting to be the true owner is in fact the true owner of the stolen article of personal property, the district court shall require the pawnbroker to produce a copy



of the receipt reflecting the pawnbroker's acquisition of the stolen article of personal property.

(B) If the court refuses to recognize the validity of the receipt or if the pawnbroker fails or refuses to produce the receipt as required by subdivision (b)(2)(A) of this section, the district court shall:

(i) Determine the fair market value of the stolen article of personal property; and

(ii) Order the pawnbroker to fully reimburse the true owner the fair market value of the stolen article of personal property.

(3)(A) If the pawnbroker fails or refuses to file a petition as required by subdivision (b)(1) of this section, the true owner of the stolen item of personal property may file a civil action for replevin against the pawnbroker.

(B) The true owner is entitled to treble damages if he or she prevails in a civil action for replevin under subdivision (b)(3)(A) of this section.

(c) If the court determines that the person alleging that the article of stolen personal property is in fact the true owner, the court may in its discretion order the true owner to reimburse the pawn shop, in part or in full.

SECTION 2. Arkansas Code § 18-27-203 is repealed.

~~18-27-203. Refusal to return property—Liability.~~

~~(a) If any pawnbroker shall fail or refuse to return any property to the true owner thereof when requested to do so by him or her as provided in § 18-27-202, it shall be necessary for the true owner to resort to legal action to recover the property.~~

~~(b) In the event that the true owner is successful in a legal action, the defendant pawnbroker shall be required to pay all reasonable expenses incurred by the owner in recovering the property, including court costs and attorneys' fees, and any damages suffered by the true owner as a result of the pawnbroker's failing or refusing to return the property to the true owner when so requested by him or her.~~