

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/25/15
A Bill

HOUSE BILL 1812

By: Representative Bell

For An Act To Be Entitled

AN ACT PROVIDING FOR THE CREATION OF A BAIL BOND FORFEITURE NOTIFICATION SYSTEM; CONCERNING THE FORFEITURE OF A BAIL BOND WHEN A DEFENDANT FAILS TO APPEAR IN COURT; CONCERNING THE REGULATION OF THE BAIL BOND INDUSTRY; AND FOR OTHER PURPOSES

Subtitle

PROVIDING FOR THE CREATION OF A BAIL BOND FORFEITURE NOTIFICATION SYSTEM; CONCERNING THE FORFEITURE OF A BAIL BOND WHEN A DEFENDANT FAILS TO APPEAR IN COURT; AND CONCERNING THE REGULATION OF THE BAIL BOND INDUSTRY.

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

SECTION 1. Arkansas Code § 16-84-201 is amended to read as follows:

16-84-201. Action on bond in district courts.

(a)(1)(A) If the defendant fails to appear for trial or judgment, or at any other time when his or her presence in district court may be lawfully required, or to surrender himself or herself in execution of the judgment, the district court may direct the fact to be entered on the minutes and shall promptly issue an order requiring the surety to appear, on a date set by the district court not more than one hundred twenty (120) days from the date notice is sent by ~~certified mail to the surety company at the address shown on the bond~~ the notification system described under § 16-84-208, whether or not it is received by the surety, to show cause why the sum specified in the



bail bond or the money deposited in lieu of bail should not be forfeited.

(B) The one-hundred-twenty-day period in which the defendant must be surrendered or apprehended under subdivision (c)(2) of this section begins to run from the date notice is sent by ~~certified mail to the surety company at the address shown on the bond~~ the notification system described under § 16-84-208, whether or not it is received by the surety.

(2) The order shall also require the officer who was responsible for taking of bail to appear unless:

(A) The surety is a bail bondsman; or

(B) The officer accepted cash in the amount of bail.

(b) The appropriate law enforcement agencies shall make every reasonable effort to apprehend the defendant.

(c)(1) If the defendant is surrendered or arrested, or good cause is shown for his or her failure to appear before judgment is entered against the surety, the district court shall exonerate a reasonable amount of the surety's liability under the bail bond.

(2) However, if the surety causes the apprehension of the defendant or the defendant is apprehended within one hundred twenty (120) days from the date notice is sent by ~~certified mail to the surety company at the address shown on the bond~~ the notification system described under § 16-84-208, whether or not it is received by the surety, a judgment or forfeiture of bond may not be entered against the surety, except as provided in subsection (e) of this section.

(d) If after one hundred twenty (120) days from the date notice is sent by ~~certified mail to the surety company at the address shown on the bond~~ the notification system described under § 16-84-208, whether or not it is received by the surety, the defendant has not surrendered or been arrested, the bail bond or money deposited in lieu of bail may be forfeited without further notice or hearing.

(e) If the defendant is located in another state and the location is known within one hundred twenty (120) days from the date notice is sent by ~~certified mail to the surety company at the address shown on the bond~~ the notification system described under § 16-84-208, whether or not it is received by the surety, the appropriate law enforcement officers shall cause the arrest of the defendant and the surety shall be liable for the cost of returning the defendant to the district court in an amount not to exceed the

face value of the bail bond.

(f)(1) In determining the extent of liability of the surety on a bond forfeiture, the court, without further notice or hearing, may take into consideration the expenses incurred by the surety in attempting to locate the defendant and may allow the surety credit for the expenses incurred.

(2) To be considered by the court, information concerning expenses incurred in attempting to locate the defendant should be submitted to the court by the surety no later than the one-hundred-twentieth day from the date notice is sent by ~~certified mail to the surety company at the address shown on the bond~~ the notification system described under § 16-84-208, whether or not it is received by the surety.

(g) Notwithstanding any law to the contrary, a district court may suspend a bail bond company's or agent's ability to issue bail bonds in its court if the bail bond company or agent fails to comply with an order of the district court or fails to pay forfeited bonds in accordance with a district court's order.

SECTION 2. Arkansas Code § 16-84-207(b)(2), concerning action on bail bonds in circuit courts, is amended to read as follows:

(2) The circuit clerk shall:

(A)(i) Notify the county sheriff and each surety on the bail bond that the defendant should be surrendered to the sheriff as required by the terms of the bail bond~~+~~.

(ii) The surety shall be notified by the notification system described under § 16-84-208; and

(B) Immediately issue a summons on each surety on the bail bond requiring the surety to personally appear on the date and time stated in the summons to show cause why judgment should not be rendered for the sum specified in the bail bond on account of the forfeiture.

SECTION 3. Arkansas Code Title 16, Chapter 84, Subchapter 2, is amended to add an additional section to read as follows:

16-84-208. Forfeiture notification system.

(a) When a defendant fails to appear and a forfeiture action is commenced under this subchapter, the court clerk shall send an email notifying the surety, the licensed bail bond agent, and the Professional Bail

Bond Company and Professional Bail Bondsman Licensing Board of the defendant's failure to appear and the commencement of forfeiture.

(b) Both a surety and a licensed bail bond agent are required under this chapter to keep a current email address on file in any court in this state in which the surety or licensed bail bond agent writes a bond.

SECTION 4. Arkansas Code Title 17, Chapter 19, Subchapter 2, is amended to add an additional section to read as follows:

17-19-213. Forfeiture notification system – Compliance required.

(a) A person or entity licensed under this chapter shall be required as a condition of licensing to complete training in the forfeiture notification system which is designed to notify a surety and agent by email that a forfeiture action has been commenced against a defendant who has failed to appear.

(b) A person or entity licensed under this chapter is required to keep the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board informed of his or her most current telephone number and email address.

/s/Bell