

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/13/17

A Bill

HOUSE BILL 2012

By: Representative Vaught

For An Act To Be Entitled

AN ACT CONCERNING THE POSTING OF BOND TO RELEASE A PERSON FROM JAIL; CONCERNING THE POSTING OF BOND BY A MINOR TO RELEASE A PERSON FROM JAIL; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE POSTING OF BOND TO RELEASE A PERSON FROM JAIL; AND CONCERNING THE POSTING OF BOND BY A MINOR TO RELEASE A PERSON FROM JAIL.

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

*SECTION 1. Arkansas Code § 16-81-109 is amended to read as follows:
16-81-109. Bail.*

(a)(1) When ~~any~~ a county sheriff or other law enforcement officer makes an arrest, he or she is authorized to take and to approve bail in the manner provided by law wherever he or she makes the arrest.

(2)(A) If the offense charged is a misdemeanor, the person arrested may immediately give bail for appearing on a day to be named in the bail bond before the judge or magistrate who issued the warrant or before the court having jurisdiction to try the offense.

(B) The county sheriff or other officer making the arrest may be authorized by the judge or magistrate issuing the warrant to take the bail by an endorsement made on the warrant to that effect.

(b)(1) If the defendant gives bail for his or her appearance before the judge or magistrate for an examination of the charge, as provided in



subsection (a) of this section, the county sheriff or officer taking the bail shall fix the day of the defendant's appearance.

(2) A deviation from the provisions of subdivision (b)(1) of this section shall not, however, render the bail bond invalid.

(c) Bail may not be posted for a defendant by a minor unless:

(1) The minor is the defendant;

(2) The minor is accompanied by a parent or guardian; or

(3) As ordered by a court.

SECTION 2. Arkansas Code § 16-84-106 is amended to read as follows:

16-84-106. Attorneys and officers not to be sureties Persons prohibited from being a surety.

~~No attorney, solicitor, or counselor at law or in equity, clerk, sheriff, chief of police, law enforcement officer, or other person concerned in the execution of any process, shall become~~ The following persons may not be a personal guarantor or surety in any a criminal proceeding:

(1) An attorney, in his or her official capacity as an attorney;

(2) A clerk of the court, in his or her official capacity as a clerk of the court;

(3) A county sheriff, municipal chief of police, or law enforcement officer, in his or her official capacity as a county sheriff, municipal chief of police, or law enforcement officer;

(4) A minor, unless:

(A) The minor is the defendant;

(B) The minor is accompanied by a parent or guardian; or

(C) As ordered by a court; or

(5) Other person concerned in the execution of any process.

SECTION 3. Arkansas Code Title 17, Chapter 19, Subchapter 3, is amended to add an additional section to read as follows:

17-19-307. Bond by minor prohibited.

A licensee under this chapter shall not accept money or collateral from a minor for the purposes of satisfying a bond premium unless:

(1) The minor is the defendant;

(2) The minor is accompanied by a parent or guardian; or

(3) As ordered by a court.

/s/Vaught