

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

HOUSE BILL 1841

4  
5 By: Representative Wright

## For An Act To Be Entitled

8 AN ACT CONCERNING FEES FOR BAIL BONDS; AND FOR OTHER  
9 PURPOSES.

### Subtitle

12 CONCERNING FEES FOR BAIL BONDS.

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14  
15  
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17  
18 SECTION 1. Arkansas Code § 14-52-111 is amended to read as follows:  
19 14-52-111. Fees for bail or delivery bond.

20 ~~Every~~ A municipal police department in this state ~~is authorized to~~ may  
21 charge and collect a ~~twenty dollar (\$20.00)~~ fee of twenty dollars (\$20.00)  
22 for taking and entering ~~every~~ a bail or delivery bond.

23  
24 SECTION 2. Arkansas Code §§ 17-19-301(d) and (e), concerning bail  
25 bonds, are amended to read as follows:

26 (d)(1)(A) In addition to the ~~ten percent (10%)~~ ten-percent bail or  
27 appearance bond premium or compensation allowed in subsection (a) of this  
28 section, and ~~commencing~~ starting on April 1, 1993, each licensed professional  
29 bail bond company, sheriff, or keeper of the jail shall charge and collect as  
30 a nonrefundable administrative and regulatory fee for the ~~State Insurance~~  
31 ~~Department Trust Fund~~ board an additional ten dollars (\$10.00) per bond fee  
32 for giving bond for every bail and appearance bond issued by the licensed  
33 professional bail bond company by or through its individual licensees,  
34 sheriff, or keeper of the jail.

35 (B) The administrative and regulatory fees payable by  
36 these companies to the fund for the support and operation of the ~~department~~



1 board, and collected by the bail bond companies, sheriff, or keeper of the  
 2 jail as required by this section, shall be reported and filed with the  
 3 ~~Insurance Commissioner~~ board no later than fifteen (15) calendar days after  
 4 the end of each calendar quarter, contemporaneous with the professional bail  
 5 bond company's filing of its quarterly bail bond report with the ~~department~~  
 6 board.

7 (C) A notarized annual reconciliation of all ~~such~~ fees  
 8 collected in the preceding calendar year for the fund shall be filed by each  
 9 licensed professional bail bond company at a time and on forms prescribed by  
 10 the ~~commissioner~~ board.

11 (D) The ~~commissioner~~ Executive Director of the  
 12 Professional Bail Bond Company and Professional Bail Bondsman Licensing Board  
 13 may ~~in his or her discretion~~ grant an extension for good cause shown upon  
 14 timely written request.

15 (E) ~~In no event shall the~~ The administrative and  
 16 regulatory fees payable by the bail bond companies, sheriff, or keeper of the  
 17 jail to the fund shall not exceed ten dollars (\$10.00) per bond, as required  
 18 by this subchapter, exclusive of statutory licensure fees elsewhere in this  
 19 chapter.

20 (F) Upon collection of the fees and any monetary  
 21 penalties, the board shall deposit as special revenues:

22 (i) Sufficient fees and penalties directly into the  
 23 Professional Bail Bond Operating Fund to provide for the personal services  
 24 and operating expenses of the board under subsection (g) of this section; and

25 (ii) The remainder of all fees and penalties  
 26 directly into the Domestic Peace Fund administered by the Arkansas Child  
 27 Abuse/Rape/Domestic Violence Commission.

28 (2)(A) Absent an extension ~~the commissioner~~ granted by the  
 29 executive director for good cause to a company and in addition to any license  
 30 suspension or revocation, the ~~commissioner~~ executive director may ~~in his or~~  
 31 ~~her discretion~~ order after notice and a hearing a professional bail bond  
 32 company failing timely to report or pay the regulatory fee to the fund by and  
 33 through the ~~commissioner~~ executive director shall be liable to the fund for a  
 34 monetary penalty of one hundred dollars (\$100) per day for each day of  
 35 delinquency.

36 (B) The ~~commissioner~~ board may pursue any appropriate

1 legal remedies on behalf of the fund to collect any delinquent fees and  
 2 penalties owed ~~pursuant to~~ under this section as special revenues to the  
 3 fund.

4 (3) Upon collection of the regulatory fees and any monetary  
 5 penalties payable to the fund and assessed under this section, the  
 6 ~~commissioner~~ executive director shall deposit all fees and penalties directly  
 7 into the fund as special revenues.

8 (4)(A) Upon failure of the bail bond company to remit the fees  
 9 timely, the ~~commissioner~~ board may pursue civil legal remedies against the  
 10 noncomplying bail bond company on behalf of the fund to recover the balance  
 11 of the fees and any penalties owed.

12 (B)(i) ~~In its discretion, the~~ The board may also fine, or  
 13 suspend or revoke the license of, any professional bail bond company failing  
 14 to make a quarterly report or remit or pay timely the fees required by this  
 15 section as required by law.

16 (ii) The board may promulgate rules for enforcement.

17 (5)(A) Other than sole proprietors licensed as professional bail  
 18 bond companies, individual bail bondsmen are exempt from the duty ~~and~~  
 19 ~~responsibility~~ of payment of the administrative and regulatory fees to the  
 20 ~~fund~~ Professional Bail Bond Operating Fund, except that the individual  
 21 licenses of ~~such~~ individual employees of the professional bail bond company  
 22 may be suspended or revoked by the ~~commissioner pursuant to~~ board under the  
 23 administrative procedures provided in this chapter if the individual licensee  
 24 fails to comply with his or her duties in proper collection of the bail bond  
 25 premiums earmarked for later payment to the ~~fund pursuant to~~ Professional  
 26 Bail Bond Operating Fund under this subsection, if he or she converts ~~such~~  
 27 the moneys to his or her own use, or if he or she commits other infractions  
 28 in regard to collection of such premium amounts.

29 (B) In those instances, the violations of the individual  
 30 may in the ~~commissioner's~~ board's discretion be attributed to the employing  
 31 professional bail bond company for good cause shown, and ~~its~~ the license of  
 32 the employing professional bail bond company may be sanctioned by the  
 33 ~~commissioner pursuant to~~ executive director under the administrative  
 34 procedures provided in this chapter.

35 (C) Further, upon criminal conviction of the individual  
 36 bondsman for theft of property in connection with fraudulent conversion of

1 those premium amounts due the ~~fund~~ Professional Bail Bond Operating Fund, the  
 2 board shall revoke the individual's license, and ~~in its discretion~~, fine or  
 3 suspend or revoke the license of, the employing professional bail bond  
 4 company if it assisted the individual in such fraudulent conduct.

5 (6)(A) For purposes of § 17-19-205 requiring the professional  
 6 bail bond company's deposit of a letter of credit or certificate of deposit  
 7 for the faithful performance of its duties, the company's payment of the  
 8 administrative and regulatory fee ~~as~~ required by this subsection ~~shall be~~  
 9 ~~considered to be and shall be a~~ is the duty of the licensee so as to allow  
 10 the ~~commissioner~~ executive director to make a claim against the security  
 11 deposit required in § 17-19-205 on behalf of the ~~fund~~ Professional Bail Bond  
 12 Operating Fund for the balance of any owed and unpaid administrative and  
 13 regulatory fees the professional bail bond company still owes to the ~~fund~~  
 14 Professional Bail Bond Operating Fund, and the ~~commissioner~~ executive  
 15 director shall promptly ~~proceed to~~ make claims against ~~such~~ security deposits  
 16 on behalf of the ~~fund~~ Professional Bail Bond Operating Fund, up to the limit  
 17 of the company's deposit for any remaining fee balance due, in the manner  
 18 provided in this subchapter for any claim against the deposit required ~~herein~~  
 19 in this subchapter.

20 (B) ~~Under no circumstances shall such deposits~~ Deposits  
 21 held for the ~~fund~~ Professional Bail Bond Operating Fund, or fees or any  
 22 moneys deposited into the ~~fund~~ Professional Bail Bond Operating Fund are  
 23 not subject to any levy or assessment of any kind, including forfeiture  
 24 claims, misconduct claims, or general creditor claims of the bail bond  
 25 company, subject to garnishment or other creditors' remedies under Title 16  
 26 of this Code or other provisions of Arkansas law.

27 (e)(1) In addition to the premiums, compensation, and fees allowed in  
 28 subsections (a) and (d) of this section, each sheriff, or keeper of the jail,  
 29 and bail bond company shall charge and collect twenty dollars (\$20.00) as a  
 30 nonrefundable fee for the Arkansas Public Defender Commission.

31 (2) All fees collected shall be forwarded to the commission for  
 32 deposit into the Public Defender User Fee Fund.

33 (3)(A) The commission shall deposit the money collected into the  
 34 existing account within the State Central Services Fund entitled "Public  
 35 Defender User Fees".

36 (B)(i) Three dollars (\$3.00) of each fee collected under

1 this section shall be remitted to each county in the state to defray the  
2 operating expenses of each county's public defender office.

3 (ii) The commission shall remit quarterly to each  
4 county treasurer the county's portion of the fee collected under this section  
5 using the formula for the County Aid Fund under § 19-5-602.

6 (4) The fees collected by the bail bond companies required under  
7 this subsection shall be reported and filed with the commission quarterly.

8 (5) A notarized annual reconciliation of all fees collected in  
9 the preceding calendar year shall be filed by each bail bond company by  
10 February 15 on forms provided by the ~~commission~~ board.

11 (6) In addition to the bail or appearance bond premium or  
12 compensation allowed under this section and § 17-19-111, each licensed  
13 professional bail bond company, sheriff, or keeper of the jail shall charge  
14 and collect a processing fee of five dollars (\$5.00) on each bail bond in  
15 order to defray the surety's costs incurred by the quarterly and annual  
16 reports to the commission and to further defray the surety's costs incurred  
17 in the collection of all fees ~~due owing and collected~~ on behalf of the  
18 commission.

19 (7) The ~~commission~~ board may pursue any appropriate legal remedy  
20 for the collection of any delinquent fees owed under this subsection.

21 (8) Upon collection of any fees and penalties, the ~~commission~~  
22 board shall deposit all fees and penalties directly into the Public Defender  
23 User Fees Fund account within the State Central Services Fund.

24  
25 SECTION 3. Arkansas Code § 17-19-301, concerning bond requirements and  
26 the posting of a bondsmen list, is amended to add additional subsections to  
27 read as follows:

28 (f)(1) In addition to the premiums, compensation, and fees allowed  
29 under this chapter, each professional bail bond company, sheriff, keeper of  
30 the jail, or person authorized to take bail under § 16-84-102 shall charge  
31 and collect as a nonrefundable administrative bail bond fee for the Arkansas  
32 Counties Alcohol and Drug Abuse and Crime Prevention Program Fund an  
33 additional fee of six dollars (\$6.00) per bail bond for giving bond for every  
34 bail bond issued by the professional bail bond company by or through its  
35 individual licensees, sheriff, keeper of the jail, or any person authorized  
36 to take bail under § 16-84-102.

1           (2) The fees and penalties collected under this subsection by a  
2 professional bail bond company, sheriff, keeper of the jail, or a person  
3 authorized to take bail under § 16-84-102 shall be forwarded to the  
4 Professional Bail Bond Company and Professional Bail Bondsman Licensing Board  
5 for deposit into the Arkansas Counties Alcohol and Drug Abuse and Crime  
6 Prevention Program Fund.

7           (3) The board shall deposit the money collected into the  
8 existing account within the Arkansas Counties Alcohol and Drug Abuse and  
9 Crime Prevention Program Fund to be used for the establishment and operation  
10 of alcohol abuse programs, drug abuse programs, crime prevention programs,  
11 and other related purposes in the counties.

12           (4) The fees required under this subsection and collected by the  
13 bail bond companies, sheriff, keeper of the jail, or persons authorized to  
14 take bail under § 16-84-102 shall be reported quarterly and filed with the  
15 board.

16           (5)(A) Within fifteen (15) days after receiving the quarterly  
17 fees from the bail bond companies, sheriff, keeper of the jail, or persons  
18 authorized to take bail under § 16-84-102, the board shall remit the fees  
19 collected under this subsection to the Arkansas Sheriffs' Association.

20           (B) The Arkansas Sheriffs' Association is the official  
21 organization of sheriffs in this state and is organized and exists under the  
22 Arkansas Nonprofit Corporation Act, §§ 4-28-201 – 4-28-206 and §§ 4-28-209 –  
23 4-28-224.

24           (6) A notarized annual reconciliation of all fees collected in  
25 the preceding calendar year shall be filed on forms provided by the board by  
26 each professional bail bond company, sheriff, keeper of the jail, or person  
27 authorized to take bail under § 16-84-102 by February 15.

28           (7) The Department of Finance and Administration may pursue any  
29 appropriate legal remedy for the collection of delinquent fees and penalties  
30 owed under this subsection against an entity that has a duty to collect the  
31 fee under this subsection.

32           (8) The board shall promulgate rules to suspend, revoke, or take  
33 disciplinary action for noncompliance in failure to remit or pay fees under  
34 this section or in failure to report under this section.

35           (g)(1)(A) In addition to the premiums and fees allowed under this  
36 chapter, each professional bail bond company, sheriff, keeper of the jail, or

1 person authorized to take bail under § 16-84-102 shall charge and collect an  
2 additional fee of four dollars (\$4.00) per bail bond for every bail bond  
3 issued by the professional bail bond company by or through its individual  
4 licensees, sheriff, keeper of the jail, or any person authorized to take bail  
5 under § 16-84-102.

6 (B) The administrative bail bond fee is nonrefundable and  
7 shall be deposited into the Bail Bond Recovery Fund.

8 (2) The fees and penalties collected under this subsection by  
9 the professional bail bond company, sheriff, keeper of the jail, or a person  
10 authorized to take bail under § 16-84-102 shall be forwarded to the board for  
11 deposit into the Bail Bond Recovery Fund.

12 (3)(A) The board shall deposit the money collected into the  
13 existing account within the Bail Bond Recovery Fund.

14 (B) Use of the funds from the Bail Bond Recovery Fund  
15 shall be for professional bail bond forfeitures.

16 (4) The fees collected by the bail bond company, sheriff, keeper  
17 of the jail, or a person authorized to take bail under § 16-84-102 required  
18 under this subsection shall be reported quarterly and filed with the board.

19 (5) A notarized annual reconciliation of all fees collected in  
20 the preceding calendar year shall be filed on forms provided by the board by  
21 each professional bail bond company, sheriff, keeper of the jail, or person  
22 authorized to take bail under § 16-84-102 by February 15.

23 (6) The board may pursue any appropriate legal remedy for the  
24 collection of delinquent fees and penalties owed under this subsection  
25 against an entity that has a duty under this subsection to collect the fee.

26 (7) The board shall promulgate rules to suspend, revoke, or take  
27 disciplinary action for noncompliance in failure to remit or pay fees under  
28 this section or for failure to report under this section.

29 (h) A sheriff, keeper of the jail, and any bail bond company shall  
30 collect fees as required under §§ 14-52-111, 17-19-111, 17-19-301, and 21-6-  
31 307 and other fees as required by law.

32  
33 SECTION 4. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended  
34 to add additional sections to read as follows:

35 19-6-819. Arkansas Sheriffs' Association Education Fund.

36 (a) There is created on the books of the Treasurer of State, the

1 Auditor of State, and the Chief Fiscal Officer of the State a special revenue  
2 fund to be known as the "Arkansas Sheriffs' Association Education Fund".

3 (b) The fund shall be used by the Arkansas Sheriffs' Association  
4 exclusively for the performance of its duties as the official agency of the  
5 sheriffs of this state, including without limitation:

6 (1) Receiving and using funds for a continuing study of ways to  
7 improve the administration of sheriffs' offices; and

8 (2) Developing and improving education programs designed for  
9 sheriffs' offices in Arkansas.

10  
11 19-6-820. Bail Bond Recovery Fund.

12 (a) There is created on the books of the Treasurer of State, the  
13 Auditor of State, and the Chief Fiscal Officer of the State a special revenue  
14 fund to be known as the "Bail Bond Recovery Fund".

15 (b)(1) All moneys collected under § 17-19-301(g) shall be deposited  
16 into the State Treasury to the credit of the fund as special revenues.

17 (2) The fund shall also consist of any other revenues authorized  
18 by law.

19 (c) The fund shall be used exclusively for the recovery of forfeited  
20 professional bonds.

21 (d) The Professional Bail Bond Company and Professional Bail Bondsman  
22 Licensing Board shall promulgate rules concerning the disbursements of the  
23 fund.

24 (e)(1) The board shall promulgate rules to suspend, revoke, or take  
25 disciplinary action for non-compliance in failure to remit or pay fees under  
26 this section or for failure to report under this section.

27 (2) The Department of Finance and Administration may pursue any  
28 appropriate legal remedy for the collection of and remittance of the  
29 delinquent fees and penalties owed under this section against any entity that  
30 has a duty to collect or remit these fees.

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