

16-84-207. Action on bail bond in circuit courts.

(a) If a bail bond is granted by a judicial officer, it shall be conditioned on the defendant's appearing for trial, surrendering in execution of the judgment, or appearing at any other time when his or her presence in circuit court may be lawfully required under Rule 9.5 or Rule 9.6 of the Arkansas Rules of Criminal Procedure, or any other rule.

(b)(1) If the defendant **fails to appear** at any time when the defendant's presence is required under subsection (a) of this section, the circuit court **shall enter this fact by written order** or docket entry, adjudge the bail bond of the defendant or the money deposited in lieu thereof to be **forfeited**, and issue a warrant for the arrest of the defendant.

(2) The circuit clerk shall:

(A) **Notify** the 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; and

(There is mention of the **means of notification** as in the District's Court requirement of certified mail, notification could even be given orally or by any means. Best to view the time as the date of nonappearance)

(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.

(c)(1)(A) If the defendant is apprehended and brought before the circuit court within **seventy-five (75) days** of the **date notification** is sent under subdivision (b)(2)(A) of this section, then no judgment of forfeiture may be entered against the surety.

(B) The **surety shall be liable for the cost of returning the defendant** to the circuit court in an amount **not to exceed the face amount of the bond.**

(2)(A) If the defendant is apprehended and brought before the circuit court **after the seventy-five-day period** under subdivision (c)(1) of this section, the circuit court may **exonerate** the amount of the surety's liability under the bail bond as the circuit court determines in its **discretion** and, if the surety does not object, enter judgment accordingly against the surety.

(B) In determining the extent of liability of the surety on the bond, the circuit court may take into consideration the actions taken and the **expenses incurred by the surety** to locate the defendant, the **expenses incurred by law enforcement officers** to locate and return the defendant, and any other factors the circuit court finds relevant.

The appropriate **law enforcement** agencies shall make every **reasonable effort to apprehend the defendant**.

(d)(1) If the surety does not consent to the entry of judgment in the amount determined under subsection (c) of this section, or if the defendant has not surrendered or been brought into custody, then at the time of the show cause hearing unless continued to a subsequent time, the circuit court shall determine the surety's liability and enter **judgment** on the forfeited bond.

(2) The circuit court may exercise its discretion in determining the amount of the judgment and may consider the factors listed in subsection (c) of this section.

(e)(1) No pleading on the part of the state shall be required in order to enforce a bond under this section.

(2) The **summons** required under subsection (b) of this section shall be made returnable and shall be executed as in **civil actions**, and the action shall be docketed and shall proceed as an ordinary civil action.

(3) The summons shall be directed to and served on the surety in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure, and the surety's appearance pursuant to the summons shall be in person and not by filing an answer or other pleading.

(f) Notwithstanding any law to the contrary, a circuit 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 circuit court or **fails to pay forfeited bonds** in accordance with a circuit court's order.