

By: Representative Fredericks

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1235

1 AN ACT TO AMEND SECTION 83-39-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT BAIL AGENTS SHALL BE RESPONSIBLE FOR RETURNING
3 DEFENDANTS TO THE COUNTY FROM WHICH HE WAS ORIGINALLY BONDED; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 83-39-7, Mississippi Code of 1972, is
7 amended as follows:

8 83-39-7. Each applicant for professional bail agent who acts
9 as personal surety shall be required to post a qualification bond
10 in the amount of Five Thousand Dollars (\$5,000.00) with the
11 department. Any professional bail agent making application for
12 license renewal, as herein provided, who shall have furnished bail
13 in fifty (50) or more criminal cases shall post such bond in the
14 amount of Ten Thousand Dollars (\$10,000.00). The qualification
15 bond shall be made by depositing with the commissioner the
16 aforesaid amount of bonds of the United States, State of
17 Mississippi, or any agency or subdivision thereof, or shall be
18 written by an insurer as defined in this chapter, shall meet the
19 specifications as may be required and defined in this chapter, and
20 shall meet such specifications as may be required and approved by
21 the department. The bond shall be conditioned upon the full and
22 prompt payment of any bail bond issued by such professional bail
23 agent into the court ordering the bond forfeited. The bond shall
24 be to the people of the State of Mississippi in favor of any court
25 of this state, whether municipal, justice, county, circuit,
26 Supreme or other court. If any bond issued by a professional bail
27 agent is declared forfeited and judgment entered thereon by a

28 court of proper jurisdiction and the amount of the bond is not
29 paid within ninety (90) days, that court shall order the
30 department to declare the qualification bond of the professional
31 bail agent to be forfeited and the license revoked. The
32 department shall then order the surety on the qualification bond
33 to deposit with the court an amount equal to the amount of the
34 bond issued by the professional bail agent and declared forfeited
35 by the court, or the amount of the qualification bond, whichever
36 is the smaller amount. The department shall, after hearing held
37 upon not less than ten (10) days' written notice, suspend the
38 license of the professional bail agent until such time as another
39 qualification bond in the required amount is posted with the
40 department. The revocation of the license of the professional
41 bail agent shall also serve to revoke the license of each
42 soliciting bail agent and bail enforcement agent employed or used
43 by such professional bail agent. In the event of a final judgment
44 of forfeiture of any bail bond written under the provisions of
45 this chapter, the amount of money so forfeited by the final
46 judgment of the proper court, less all accrued court costs and
47 excluding any interest charges or attorney's fees, shall be
48 refunded to the bail agent or his insurance company upon proper
49 showing to the court as to which is entitled to same, provided the
50 defendant in such cases is returned to the sheriff of the county
51 to which the original bail bond was returnable within twelve (12)
52 months of the date of such final judgment, or proof made of
53 incarceration of the defendant in another jurisdiction, and that
54 "hold order" has been placed upon the defendant for return of the
55 defendant to the sheriff upon release from the other jurisdiction,
56 then the bond forfeiture shall be stayed and remission made upon
57 petition to the court, in the amount found in the court's
58 discretion to be just and proper. A "hold order" may only be
59 placed on a defendant in the county in which he was originally
60 bonded. The return of a defendant to the county from which he was
61 originally bonded shall be the burden of the bail agent without
62 cost to the county to which he is being returned. If the holding
63 agency, whether in state or out of state, refuses to release the
64 defendant, the agency holding the warrant shall return the

65 defendant and the bail agent shall reimburse the agency holding
66 the warrant for the cost of the return. A bail agent licensed
67 under this chapter shall have a right to apply for and obtain from
68 the proper court an extension of time delaying a final judgment of
69 forfeiture if such bail agent can satisfactorily establish to the
70 court wherein such forfeiture is pending that the defendant named
71 in the bail bond is lawfully in custody outside of the State of
72 Mississippi.

73 SECTION 2. This act shall take effect and be in force from
74 and after July 1, 1999.