

By: Senator(s) Horhn

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2910

1 AN ACT TO AMEND SECTION 83-39-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CERTAIN RELATIVES OF LAW ENFORCEMENT OFFICIALS SHALL
3 NOT BE LICENSED AS BAIL AGENTS; TO AMEND SECTION 83-39-15,
4 MISSISSIPPI CODE OF 1972, TO REVISE GROUNDS FOR DENIAL, SUSPENSION
5 OR REVOCATION OF THE LICENSE OF A BAIL AGENT; AND FOR RELATED
6 PURPOSES.

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

8 SECTION 1. Section 83-39-3, Mississippi Code of 1972, is
9 amended as follows:

10 83-39-3. (1) No person shall act in the capacity of
11 professional bail agent, soliciting bail agent or bail enforcement
12 agent, as defined in Section 83-39-1, or perform any of the
13 functions, duties or powers of the same unless that person shall
14 be qualified and licensed as provided in this chapter. The terms
15 of this chapter shall not apply to any automobile club or
16 association, financial institution, insurance company or other
17 organization or association or their employees who execute bail
18 bonds on violations arising out of the use of a motor vehicle by
19 their members, policyholders or borrowers when bail bond is not
20 the principal benefit of membership, the policy of insurance or of
21 a loan to such member, policyholder or borrower.

22 (2) No license shall be issued except in compliance with
23 this chapter, and none shall be issued except to an individual.
24 No firm, partnership, association or corporation, as such, shall
25 be so licensed. No professional bail agent shall operate under
26 more than one (1) trade name. A soliciting bail agent and bail
27 enforcement agent shall operate only under the professional bail
28 agent's name. No person who has ever been convicted of a felony
29 or any crime involving moral turpitude, or who has not been a



30 resident of this state for at least one (1) year, unless presently
31 licensed for bail bonds, or who is under twenty-one (21) years of
32 age, shall be issued a license hereunder. No person engaged as a
33 law enforcement or judicial official or attorney shall be licensed
34 hereunder. No person who is a spouse of a law enforcement
35 official or who is a spouse of an employee of a law enforcement
36 official or a law enforcement entity shall write a bond in the
37 county in which the spouse is elected, appointed or employed as a
38 law enforcement official or employee of a law enforcement entity,
39 whether of the county or a municipality in the county; violation
40 of this prohibition shall result in license revocation. No person
41 licensed under this chapter shall act as a personal surety agent
42 in the writing of bail during a period he or she is licensed as a
43 limited surety agent, as defined herein.

44 (3) The department is vested with the authority to enforce
45 this chapter. The department may conduct investigations or
46 request other state, county or local officials to conduct
47 investigations and promulgate such rules and regulations as may be
48 necessary for the enforcement of this chapter. The department may
49 establish monetary fines and collect such fines as necessary for
50 the enforcement of such rules and regulations. All fines
51 collected shall be deposited in the Special Insurance Department
52 Fund for the operation of that agency.

53 (4) Each license issued hereunder shall expire annually on
54 the last day of May, unless revoked or suspended prior thereto by
55 the department, or upon notice served upon the commissioner by the
56 insurer that the authority of a limited surety agent to act for or
57 in behalf of such insurer had been terminated, or upon notice
58 served upon the commissioner by a professional bail agent that the
59 employment of a soliciting bail agent or bail enforcement agent
60 had been terminated by such professional bail agent.

61 (5) The department shall prepare and deliver to each
62 licensee a certificate showing the name, address and



63 classification of such licensee, and shall certify that the person
64 is a licensed professional bail agent, being either a personal
65 surety agent or a limited surety agent, a soliciting bail agent or
66 a bail enforcement agent. In addition, the certificate, if for a
67 soliciting bail agent or bail enforcement agent, shall show the
68 name of the professional bail agent and any other information as
69 the commissioner deems proper.

70 (6) The commissioner, after a hearing under Section
71 83-39-17, may refuse to issue a privilege license for a soliciting
72 bail agent to change from one (1) professional bail agent to
73 another if he owes any premium or debt to the professional bail
74 agent with whom he is currently licensed.

75 (7) From and after May 1, 2000, prior to the issuance of any
76 professional bail agent, soliciting bail agent or bail enforcement
77 agent license, the applicant shall submit proof of completion of
78 eight (8) hours of prelicensing education approved by the
79 department and the Professional Bail Agents Association of
80 Mississippi, Inc., and conducted by the Mississippi Judicial
81 College or any institution of higher learning or community
82 college. An applicant may work as an agent without the
83 prelicensing education requirement but must complete such
84 education at the first available offering.

85 (8) From and after May 1, 2000, prior to the renewal of any
86 professional bail agent, soliciting bail agent or bail enforcement
87 agent license, the applicant shall submit proof of completion of
88 eight (8) hours of continuing education approved by the department
89 and the Professional Bail Agents Association of Mississippi, Inc.,
90 and provided by the Mississippi Judicial College or any
91 institution of higher learning or community college.

92 SECTION 2. Section 83-39-15, Mississippi Code of 1972, is
93 amended as follows:

94 83-39-15. (1) The department may deny, suspend, revoke or
95 refuse to renew, as may be appropriate, the license of any person



96 engaged in the business of professional bail agent, soliciting
97 bail agent, or bail enforcement agent for any of the following
98 reasons:

99 (a) Any cause for which the issuance of the license
100 would have been refused had it then existed and been known to the
101 department.

102 (b) Failure to post a qualification bond in the
103 required amount with the department during the period the person
104 is engaged in the business within this state or, if the bond has
105 been posted, the forfeiture or cancellation of the bond.

106 (c) Material misstatement, misrepresentation or fraud
107 in obtaining the license.

108 (d) Willful failure to comply with, or willful
109 violation of, any provision of this chapter or of any proper
110 order, rule or regulation of the department or any court of this
111 state.

112 (e) Conviction of felony or crime involving moral
113 turpitude.

114 (f) Default in payment to the court should any bond
115 issued by such bail agent be forfeited by order of the court.

116 (g) Being engaged as a law enforcement or judicial
117 official or attorney or writing a bond in a county where a spouse
118 is a law enforcement official or employee of a law enforcement
119 official or a law enforcement entity, whether of the county or a
120 municipality in the county.

121 (2) In addition to the grounds specified in subsection (1)
122 of this section, the department shall be authorized to suspend the
123 license, registration or permit of any person for being out of
124 compliance with an order for support, as defined in Section
125 93-11-153. The procedure for suspension of a license,
126 registration or permit for being out of compliance with an order
127 for support, and the procedure for the reissuance or reinstatement
128 of a license, registration or permit suspended for that purpose,



129 and the payment of any fees for the reissuance or reinstatement of
130 a license, registration or permit suspended for that purpose,
131 shall be governed by Section 93-11-157 or 93-11-163, as the case
132 may be. If there is any conflict between any provision of Section
133 93-11-157 or 93-11-163 and any provision of this chapter, the
134 provisions of Section 93-11-157 or 93-11-163, as the case may be,
135 shall control.

136 SECTION 3. This act shall take effect and be in force from
137 and after July 1, 2001.

