

By: Representative Rogers

To: Judiciary B

## HOUSE BILL NO. 779

1 AN ACT TO AMEND SECTION 83-39-29, MISSISSIPPI CODE OF 1972,  
2 TO REVISE PROVISIONS REGARDING PERSONS IMPERSONATING BAIL AGENTS,  
3 TO INCREASE THE PENALTY FOR BONDJUMPING AND ADD PENALTY FOR  
4 FUGITIVE FLIGHT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 83-39-29, Mississippi Code of 1972, is  
7 amended as follows:

8 83-39-29. The department may provide information to the  
9 district attorney in the district in which a professional bail  
10 agent, a soliciting bail agent or bail enforcement agent is  
11 domiciled so that proper legal action may be pursued against any  
12 licensee who is alleged to have violated any provision of Chapter  
13 39 of Title 83. Such licensee is guilty of a misdemeanor and  
14 shall be subject to a fine of not more than One Thousand Dollars  
15 (\$1,000.00), imprisonment in the county jail for not more than one  
16 (1) year, or both. Any insurer violating any provision of Chapter  
17 39 of Title 83 may be fined in an amount not to exceed Fifty  
18 Thousand Dollars (\$50,000.00).

19 Any person who acts or attempts to solicit, write or present  
20 a bail bond as a professional bail agent, soliciting bail agent,  
21 or bail enforcement agent as defined in this chapter and who is  
22 not licensed under this chapter is guilty of a misdemeanor and,  
23 upon conviction, shall be subject to a fine of not more than One  
24 Thousand Dollars (\$1,000.00), imprisonment in the county jail for  
25 not more than one (1) year, or both.

26 Any person who acts or attempts to act or represents  
27 themselves as, or impersonates a professional bail agent, a  
28 soliciting bail agent or a bail enforcement agent, as defined in



this chapter attempting to arrest, or detaining any person and who is not licensed under this chapter is guilty of a felony and, upon conviction, shall be subject to a fine of not more than Ten Thousand Dollars (\$10,000.00), imprisonment for not more than five (5) years, or both.

A bail agent, bail enforcement agent or bail recovery agent from another state shall report to the Sheriff's Department of the county in which they are attempting to locate a fugitive prior to beginning to look for the fugitive and prove their licensing and their legal right to the fugitive. Failure to prove their licensing shall be the same as impersonating a professional bail agent.

Any person charged with a misdemeanor who has obtained his release from custody by having a professional bail agent, insurer, agent of such bail agent or insurer, or any person other than himself furnish his bail bond and who fails to appear in court, at the time and place ordered by the court, is guilty of "bondjumping" and, upon conviction, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both, and payment of restitution for reasonable expenses incurred returning the defendant to court.

Any person charged with a felony who has obtained his release from custody by having a professional bail agent, insurer, agent of such bail agent or insurer, or any person other than himself furnish his bail bond and who fails to appear in court, at the time and place ordered by the court, is guilty of "bondjumping" and, upon conviction, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00), imprisonment in the State Penitentiary for not more than five (5) years, or both, and payment of restitution for reasonable expenses incurred returning the defendant to court.



61       Any person charged with a criminal violation who has obtained  
62 his release by having a professional bail agent, insurer, agent of  
63 such professional bail agent or insurer, or any other person other  
64 than himself furnish his bail bond and who fails to appear at the  
65 time and place ordered by the court and who leaves the State of  
66 Mississippi shall be guilty of "fugitive flight" and upon  
67 conviction, shall be subject to a fine of not more than Ten  
68 Thousand Dollars (\$10,000.00), imprisonment in the State  
69 Penitentiary for not more than ten (10) years, or both, and  
70 payment of restitution for reasonable expenses incurred returning  
71 the defendant to court.

72       **SECTION 2.** This act shall take effect and be in force from  
73 and after July 1, 2002.

