

*****Pending***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 781

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

5 **SECTION 1.** Section 83-39-7, Mississippi Code of 1972, is
6 amended as follows:
7 83-39-7. (1) Each applicant for professional bail agent who
8 acts as personal surety shall be required to post a qualification
9 bond in the amount of Ten Thousand Dollars (\$10,000.00) with the
10 department. Any professional bail agent making application for
11 license renewal, as herein provided, who shall have furnished bail
12 in fifty (50) or more criminal cases shall post such bond in the
13 amount of Fifteen Thousand Dollars (\$15,000.00). The
14 qualification bond shall be made by depositing with the
15 commissioner the aforesaid amount of bonds of the United States,
16 State of Mississippi, or any agency or subdivision thereof, or
17 shall be written by an insurer as defined in this chapter, shall
18 meet the specifications as may be required and defined in this
19 chapter, and shall meet such specifications as may be required and
20 approved by the department. The bond shall be conditioned upon
21 the full and prompt payment of any bail bond issued by such
22 professional bail agent into the court ordering the bond
23 forfeited. The bond shall be to the people of the State of
24 Mississippi in favor of any court of this state, whether

25 municipal, justice, county, circuit, Supreme or other court. If
26 any bond issued by a professional bail agent is declared forfeited
27 and judgment entered thereon by a court of proper jurisdiction as
28 authorized in Section 99-5-25, 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. If the bond
32 was not forfeited correctly under Section 99-5-25, it shall be
33 returned to the court as uncollectible. The department shall then
34 order the surety on the qualification bond to deposit with the
35 court an amount equal to the amount of the bond issued by the
36 professional bail agent and declared forfeited by the court, or
37 the amount of the qualification bond, whichever is the smaller
38 amount. The department shall, after hearing held upon not less
39 than ten (10) days' written notice, suspend the license of the
40 professional bail agent until such time as another qualification
41 bond in the required amount is posted with the department. The
42 revocation of the license of the professional bail agent shall
43 also serve to revoke the license of each soliciting bail agent and
44 bail enforcement agent employed or used by such professional bail
45 agent. In the event of a final judgment of forfeiture of any bail
46 bond written under the provisions of this chapter, the amount of
47 money so forfeited by the final judgment of the proper court, less
48 all accrued court costs and excluding any interest charges or
49 attorney's fees, shall be refunded to the bail agent or his
50 insurance company upon proper showing to the court as to which is
51 entitled to same, provided the defendant in such cases is returned
52 to the sheriff of the county to which the original bail bond was
53 returnable within twelve (12) months of the date of such final
54 judgment, or proof made of incarceration of the defendant in
55 another jurisdiction, and that a "Hold Order" has been placed upon
56 the defendant for return of the defendant to the sheriff upon
57 release from the other jurisdiction, the return to the sheriff to
58 be the responsibility of the professional bail agent as provided
59 in subsection (2) of this section, then the bond forfeiture shall

60 be stayed and remission made upon petition to the court, in the
61 amount found in the court's discretion to be just and proper. A
62 bail agent licensed under this chapter shall have a right to apply
63 for and obtain from the proper court an extension of time delaying
64 a final judgment of forfeiture if such bail agent can
65 satisfactorily establish to the court wherein such forfeiture is
66 pending that the defendant named in the bail bond is lawfully in
67 custody outside of the State of Mississippi.

68 (2) The professional bail agent shall satisfy the
69 responsibility to return the defendant who has been held by a
70 "Hold Order" in another jurisdiction upon release from the other
71 jurisdiction:

72 (a) By personally returning the defendant to the
73 sheriff at no cost to the county; or

74 (b) Where the other jurisdiction will not release the
75 defendant to any person other than a law enforcement officer, by
76 reimbursing to the county the reasonable cost of the return of the
77 defendant, not to exceed the cost that would be entailed if the
78 option in paragraph (a) of this subsection were available.

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