

By: Representative Rogers

To: Judiciary B

HOUSE BILL NO. 803

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



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

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

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

51 Any person charged with a felony who has obtained his release
52 from custody by having a professional bail agent, insurer, agent
53 of such bail agent or insurer, or any person other than himself
54 furnish his bail bond and who fails to appear in court, at the
55 time and place ordered by the court, is guilty of "bondjumping"
56 and, upon conviction, shall be subject to a fine of not more than
57 Five Thousand Dollars (\$5,000.00), imprisonment in the State
58 Penitentiary for not more than five (5) years, or both, and
59 payment of restitution for reasonable expenses incurred returning
60 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, 2003.

