

By: Representative Stevens

To: Judiciary B

HOUSE BILL NO. 856

1 AN ACT TO AMEND SECTION 83-39-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT THE DEPARTMENT OF INSURANCE SHALL FORWARD THE
3 FINGERPRINTS OF AN APPLICANT FOR A LICENSE AS A BAIL AGENT TO THE
4 DEPARTMENT OF PUBLIC SAFETY AND THE FEDERAL BUREAU OF
5 INVESTIGATION FOR A CRIMINAL HISTORY CHECK OF THE APPLICANT; AND
6 FOR RELATED 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) (a) No license shall be issued except in compliance
23 with this chapter, and none shall be issued except to an
24 individual. No firm, partnership, association or corporation, as
25 such, shall be so licensed. No professional bail agent shall
26 operate under more than one (1) trade name. A soliciting bail
27 agent and bail enforcement agent shall operate only under the
28 professional bail agent's name. No person who has ever been
29 convicted of a felony or any crime involving moral turpitude, or



30 who has not been a resident of this state for at least one (1)
31 year, unless presently licensed for bail bonds, or who is under
32 twenty-one (21) years of age, shall be issued a license hereunder.
33 No person engaged as a law enforcement or judicial official or
34 attorney shall be licensed hereunder.

35 (b) (i) No person who is a spouse of: (A) a county or
36 municipal law enforcement official; (B) an employee of a county or
37 municipal law enforcement official; or (C) an employee of a law
38 enforcement entity shall write a bond for a person arrested by the
39 spouse or the law enforcement entity which the person's spouse
40 serves as a law enforcement official or employee; violation of
41 this prohibition shall result in license revocation.

42 (ii) No person licensed under this chapter shall
43 act as a personal surety agent in the writing of bail during a
44 period he or she is licensed as a limited surety agent, as defined
45 herein.

46 (iii) No person licensed under this chapter shall
47 give legal advice or a legal opinion in any form.

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

57 (b) In order to assist the department in determining an
58 applicant's suitability for a license under this chapter, the
59 department shall forward the fingerprints of the applicant that
60 are submitted with the application to the Department of Public
61 Safety for use by that agency in conducting a criminal history
62 check. If no disqualifying record is identified at the state



63 level, the fingerprints shall be forwarded by the Department of
64 Public Safety to the Federal Bureau of Investigation for a
65 national criminal history record check. Fees related to the
66 criminal history record check shall be paid by the applicant to
67 the Commissioner of Insurance and deposited in the special fund in
68 the State Treasury designated as the "Insurance Department Fund."

69 (4) Each license issued hereunder shall expire annually on
70 the last day of May, unless revoked or suspended prior thereto by
71 the department, or upon notice served upon the commissioner by the
72 insurer that the authority of a limited surety agent to act for or
73 in behalf of such insurer had been terminated, or upon notice
74 served upon the commissioner by a professional bail agent that the
75 employment of a soliciting bail agent or bail enforcement agent
76 had been terminated by such professional bail agent.

77 (5) The department shall prepare and deliver to each
78 licensee a certificate showing the name, address and
79 classification of such licensee, and shall certify that the person
80 is a licensed professional bail agent, being either a personal
81 surety agent or a limited surety agent, a soliciting bail agent or
82 a bail enforcement agent. In addition, the certificate, if for a
83 soliciting bail agent or bail enforcement agent, shall show the
84 name of the professional bail agent and any other information as
85 the commissioner deems proper.

86 (6) The commissioner, after a hearing under Section
87 83-39-17, may refuse to issue a privilege license for a soliciting
88 bail agent to change from one professional bail agent to another
89 if he owes any premium or debt to the professional bail agent with
90 whom he is currently licensed.

91 (7) From and after May 1, 2000, prior to the issuance of any
92 professional bail agent, soliciting bail agent or bail enforcement
93 agent license, the applicant shall submit proof of completion of
94 eight (8) hours of prelicensing education approved by the
95 department and the Professional Bail Agents Association of



96 Mississippi, Inc., and conducted by the Mississippi Judicial
97 College or any institution of higher learning or community college
98 located within the State of Mississippi.

99 (8) From and after May 1, 2000, prior to the renewal of any
100 professional bail agent, soliciting bail agent or bail enforcement
101 agent license, the applicant shall submit proof of completion of
102 eight (8) hours of continuing education approved by the department
103 and the Professional Bail Agents Association of Mississippi, Inc.,
104 and provided by the Mississippi Judicial College or any
105 institution of higher learning or community college located within
106 the State of Mississippi.

107 **SECTION 2.** This act shall take effect and be in force from
108 and after July 1, 2003.

