

By: Senator(s) Kirby

To: Judiciary

SENATE BILL NO. 2760

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.

