

By: Representative Rogers (61st)

To: Judiciary B

HOUSE BILL NO. 869

1 AN ACT TO AMEND SECTION 83-39-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE QUALIFICATION BOND FOR BAIL AGENTS; AND FOR RELATED
3 PURPOSES.

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

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 Fifteen Thousand Dollars (\$15,000.00) with
10 the department. The qualification bond shall be made by
11 depositing with the commissioner the aforesaid amount of bonds of
12 the United States, State of Mississippi, or any agency or
13 subdivision thereof, or shall be written by an insurer as defined
14 in this chapter, shall meet the specifications as may be required
15 and defined in this chapter, and shall meet such specifications as
16 may be required and approved by the department. The bond shall be
17 conditioned upon the full and prompt payment of any bail bond
18 issued by such professional bail agent into the court ordering the
19 bond forfeited. The bond shall be to the people of the State of
20 Mississippi in favor of any court of this state, whether
21 municipal, justice, county, circuit, Supreme or other court. If
22 any bond issued by a professional bail agent is declared forfeited
23 and judgment entered thereon by a court of proper jurisdiction as
24 authorized in Section 99-5-25, and the amount of the bond is not
25 paid within ninety (90) days, that court shall order the
26 department to declare the qualification bond of the professional
27 bail agent to be forfeited and the license revoked. If the bond

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

61 satisfactorily establish to the court wherein such forfeiture is
62 pending that the defendant named in the bail bond is lawfully in
63 custody outside of the State of Mississippi.

64 (2) The professional bail agent shall satisfy the
65 responsibility to return the defendant who has been held by a
66 "Hold Order" in another jurisdiction upon release from the other
67 jurisdiction:

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

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

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2004.