

By: Representative Upshaw

To: Judiciary B

HOUSE BILL NO. 1498

1 AN ACT TO AMEND SECTION 83-39-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DATE TO IMPLEMENT THE INCREASES IN THE QUALIFICATION
3 BOND REQUIRED TO BE POSTED BY AN APPLICANT FOR A PROFESSIONAL BAIL
4 AGENT LICENSE WHO ACTS AS PERSONAL SURETY; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 83-39-7, Mississippi Code of 1972, is
8 amended as follows:

9 83-39-7. (1) Each applicant for a professional bail agent
10 license who acts as personal surety shall be required to post a
11 qualification bond in the amount of Fifteen Thousand Dollars
12 (\$15,000.00) with the department. From and after April 1, 2005,
13 each applicant shall be required to post a qualification bond in
14 the amount of Twenty Thousand Dollars (\$20,000.00). From and
15 after April 1, 2006, each applicant shall be required to post a
16 qualification bond in the amount of Twenty-five Thousand Dollars
17 (\$25,000.00). From and after April 1, 2007, each applicant shall
18 be required to post a qualification bond in the amount of Thirty
19 Thousand Dollars (\$30,000.00). The qualification bond shall be
20 made by depositing with the commissioner the aforesaid amount of
21 bonds of the United States, State of Mississippi, or any agency or
22 subdivision thereof, or shall be written by an insurer as defined
23 in this chapter, shall meet the specifications as may be required
24 and defined in this chapter, and shall meet such specifications as
25 may be required and approved by the department. The bond shall be
26 conditioned upon the full and prompt payment of any bail bond
27 issued by such professional bail agent into the court ordering the
28 bond forfeited. The bond shall be to the people of the State of

29 Mississippi in favor of any court of this state, whether
30 municipal, justice, county, circuit, Supreme or other court. If
31 any bond issued by a professional bail agent is declared forfeited
32 and judgment entered thereon by a court of proper jurisdiction as
33 authorized in Section 99-5-25, and the amount of the bond is not
34 paid within ninety (90) days, that court shall order the
35 department to declare the qualification bond of the professional
36 bail agent to be forfeited and the license revoked. If the bond
37 was not forfeited correctly under Section 99-5-25, it shall be
38 returned to the court as uncollectible. The department shall then
39 order the surety on the qualification bond to deposit with the
40 court an amount equal to the amount of the bond issued by the
41 professional bail agent and declared forfeited by the court, or
42 the amount of the qualification bond, whichever is the smaller
43 amount. The department shall, after hearing held upon not less
44 than ten (10) days' written notice, suspend the license of the
45 professional bail agent until such time as another qualification
46 bond in the required amount is posted with the department. The
47 revocation of the license of the professional bail agent shall
48 also serve to revoke the license of each soliciting bail agent and
49 bail enforcement agent employed or used by such professional bail
50 agent. In the event of a final judgment of forfeiture of any bail
51 bond written under the provisions of this chapter, the amount of
52 money so forfeited by the final judgment of the proper court, less
53 all accrued court costs and excluding any interest charges or
54 attorney's fees, shall be refunded to the bail agent or his
55 insurance company upon proper showing to the court as to which is
56 entitled to same, provided the defendant in such cases is returned
57 to the sheriff of the county to which the original bail bond was
58 returnable within twelve (12) months of the date of such final
59 judgment, or proof made of incarceration of the defendant in
60 another jurisdiction, and that a "Hold Order" has been placed upon
61 the defendant for return of the defendant to the sheriff upon

62 release from the other jurisdiction, the return to the sheriff to
63 be the responsibility of the professional bail agent as provided
64 in subsection (2) of this section, then the bond forfeiture shall
65 be stayed and remission made upon petition to the court, in the
66 amount found in the court's discretion to be just and proper. A
67 bail agent licensed under this chapter shall have a right to apply
68 for and obtain from the proper court an extension of time delaying
69 a final judgment of forfeiture if such bail agent can
70 satisfactorily establish to the court wherein such forfeiture is
71 pending that the defendant named in the bail bond is lawfully in
72 custody outside of the State of Mississippi.

73 (2) The professional bail agent shall satisfy the
74 responsibility to return the defendant who has been held by a
75 "Hold Order" in another jurisdiction upon release from the other
76 jurisdiction:

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

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

84 **SECTION 2.** This act shall take effect and be in force from
85 and after its passage.