

By: Senator(s) Brown

To: Judiciary, Division B

SENATE BILL NO. 2624

1 AN ACT TO AMEND SECTION 83-39-29, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE OFFENSE OF BOND JUMPING AND THE PENALTIES THEREFOR;  
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 83-39-29, Mississippi Code of 1972, is  
6 amended as follows:

7 83-39-29. (1) The department may provide information to the  
8 district attorney in the district in which a professional bail  
9 agent, a soliciting bail agent or bail enforcement agent is  
10 domiciled so that proper legal action may be pursued against any  
11 licensee who is alleged to have violated any provision of Chapter  
12 39 of Title 83. Such licensee is guilty of a misdemeanor and  
13 shall be subject to a fine of not more than One Thousand Dollars  
14 (\$1,000.00), imprisonment in the county jail for not more than one  
15 (1) year, or both. Any insurer violating any provision of Chapter  
16 39 of Title 83 may be fined in an amount not to exceed Fifty  
17 Thousand Dollars (\$50,000.00).

18 (2) Any person who acts or attempts to solicit, write or  
19 present a bail bond as a professional bail agent, soliciting bail  
20 agent, or bail enforcement agent as defined in this chapter and  
21 who is not licensed under this chapter is guilty of a misdemeanor  
22 and, upon conviction, shall be subject to a fine of not more than  
23 One Thousand Dollars (\$1,000.00), imprisonment in the county jail  
24 for not more than one (1) year, or both.

25 (3) Any person who acts or attempts to act, represents  
26 himself to be, or impersonates a professional bail agent, a  
27 soliciting bail agent or a bail enforcement agent, as defined in

28 this chapter by attempting to arrest or detaining any person and  
29 who is not licensed under this chapter is guilty of a misdemeanor  
30 and, upon conviction, shall be subject to a fine of not more than  
31 Five Thousand Dollars (\$5,000.00), imprisonment for not more than  
32 one (1) year, or both.

33 (4) A bail agent, bail enforcement agent or bail enforcement  
34 agent from another state shall report to the Sheriff's Department  
35 of the county in which he is attempting to locate a fugitive prior  
36 to beginning to look for the fugitive to prove his licensing and  
37 legal right to the fugitive. Failure to prove licensing shall be  
38 an offense punishable by a fine not to exceed One Thousand Dollars  
39 (\$1,000.00).

40 (5) Any person charged with a criminal violation who has  
41 obtained his release from custody by having a professional bail  
42 agent, insurer, agent of such bail agent or insurer, or any person  
43 other than himself furnish his bail bond and who fails to appear  
44 in court, at the time and place ordered by the court, is guilty of  
45 "bond jumping" and, upon conviction, shall be punished as follows:

46 (a) If the underlying criminal violation for which the  
47 person was charged that resulted in the posting of bond was a  
48 misdemeanor, the person shall be guilty of misdemeanor bond  
49 jumping and shall be subject to a fine of not more than One  
50 Thousand Dollars (\$1,000.00), imprisonment in the county jail for  
51 not more than one (1) year, or both, and payment of restitution  
52 for reasonable expenses incurred returning the defendant to court;

53 (b) If the underlying criminal violation for which the  
54 person was charged that resulted in the posting of bond was a  
55 felony, the person shall be guilty of felony bond jumping and  
56 shall be subject to a fine of not more than Five Thousand Dollars  
57 (\$5,000.00), imprisonment in the custody of the Department of  
58 Corrections for not more than five (5) years, or both.

59 (6) Any person who aids and abets any person in the  
60 commission of the offense of bond jumping, whether the person

61 committing the principal offense is actually convicted, shall be  
62 guilty of bond jumping to the same degree as the person so aided  
63 and abetted and shall be punished accordingly. Any person who is  
64 convicted of aiding and abetting shall be jointly and severally  
65 liable for payment of restitution for reasonable expenses incurred  
66 in returning the defendant to court.

67 (7) Any bail agent who is prejudiced or injured by the  
68 commission of any of the offenses set forth in this section shall  
69 have standing to file a complaint alleging the commission of the  
70 offense or offenses.

71 **SECTION 2.** This act shall take effect and be in force from  
72 and after July 1, 2005.