

By: Senator(s) Doxey

To: Insurance

SENATE BILL NO. 2940
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 83-39-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DATE WHEN THE AMOUNT OF QUALIFICATION BOND REQUIRED TO
3 BE POSTED BY AN APPLICANT FOR A PROFESSIONAL BAIL AGENT LICENSE IS
4 INCREASED; AND FOR RELATED PURPOSES.

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

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

8 83-39-7. (1) Each applicant for a professional bail agent
9 license who acts as personal surety shall be required to post a
10 qualification bond in the amount of Fifteen Thousand Dollars
11 (\$15,000.00) with the department. From and after April 1, 2005,
12 each applicant shall be required to post a qualification bond in
13 the amount of Twenty Thousand Dollars (\$20,000.00). From and
14 after April 1, 2006, each applicant shall be required to post a
15 qualification bond in the amount of Twenty-five Thousand Dollars
16 (\$25,000.00). From and after April 1, 2007, each applicant shall
17 be required to post a qualification bond in the amount of Thirty
18 Thousand Dollars (\$30,000.00). The qualification bond shall be
19 made by depositing with the commissioner the aforesaid amount of
20 bonds of the United States, State of Mississippi, or any agency or
21 subdivision thereof, or shall be written by an insurer as defined
22 in this chapter, shall meet the specifications as may be required
23 and defined in this chapter, and shall meet such specifications as
24 may be required and approved by the department. The bond shall be
25 conditioned upon the full and prompt payment of any bail bond
26 issued by such professional bail agent into the court ordering the
27 bond forfeited. The bond shall be to the people of the State of
28 Mississippi in favor of any court of this state, whether

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

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

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

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

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

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