

By: Representative Rogers (61st)

To: Judiciary B

HOUSE BILL NO. 721

1 AN ACT TO AMEND SECTION 83-39-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE DEFINITIONS REGARDING BAIL BONDS AND AGENTS; AND FOR
3 RELATED PURPOSES.

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

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

7 83-39-1. The following terms when used in this chapter shall
8 have the following meanings:

9 (a) "Department" means the Department of Insurance.

10 (b) "Commissioner" means the Commissioner of Insurance.

11 (c) "Insurer" means any domestic or foreign insurance
12 corporation or association engaged in the business of insurance or
13 suretyship which has qualified to transact surety or casualty
14 business in this state.

15 (d) "Professional bail agent" means any individual who
16 shall furnish bail, acting as a licensed personal surety agent or
17 as a licensed limited surety agent representing an insurer as
18 defined by this chapter who is duly licensed by the commissioner.

19 The above definition shall not include, and this chapter does not
20 apply to, any individual who acts as personal surety in instances
21 where there is no compensation charged or received for such
22 service.

23 (e) "Soliciting bail agent" means any person who, as an
24 agent or employee of a professional bail agent, or as an
25 independent contractor, for compensation or otherwise, shall
26 solicit, advertise or actively seek bail bond business for or on
27 behalf of a professional bail agent and who assists the

28 professional bail agent in presenting the defendant in court when
29 required or assists in the apprehension and surrender of the
30 defendant to the court or keeps the defendant under necessary
31 surveillance who is duly licensed by the commissioner after
32 successfully completing an examination by the department for the
33 restricted lines of business.

34 (f) "Bail enforcement agent" means a person who assists
35 the professional bail agent in presenting the defendant in court
36 when required, or who assists in the apprehension and surrender of
37 the defendant to the court or who keeps the defendant under
38 necessary surveillance. Nothing herein shall affect the right of
39 professional bail agents to have counsel or to ask assistance of
40 law enforcement officers who is duly licensed by the commissioner
41 after successfully completing an examination by the department for
42 the restricted lines of business.

43 (g) "Limited surety agent" means any individual who is
44 appointed by an insurer by power of attorney to execute or
45 countersign bail bonds in connection with judicial proceedings,
46 and who is duly licensed by the commissioner to represent such
47 insurer for the restricted lines of bail, fidelity and surety,
48 after successfully completing a limited examination by the
49 department for the restricted lines of business.

50 (h) "Personal surety agent" means any individual who,
51 having posted the necessary qualification bond with the
52 commissioner as required by Section 83-39-7, and duly licensed by
53 the commissioner, after successfully completing an examination by
54 the department for the restricted lines of business may execute
55 and sign bail bonds in connection with judicial proceedings.

56 (i) "Surety" means the insurer or the personal surety
57 agent guaranteeing the bail bond and for the purpose of process
58 does not mean the agent of such insurer or personal surety agent.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2006.