

By: Representative Turner

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 842

1 AN ACT TO AMEND SECTION 83-39-25, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A PROFESSIONAL BAIL AGENT TO HOLD COLLATERAL OR TAKE A
3 SECURITY INTEREST IN THE COLLATERAL WHEN A BAIL BOND IS \$15,000.00
4 OR MORE AND THE PREMIUM IS FINANCED BY THE PROFESSIONAL BAIL
5 AGENT; TO REQUIRE A WRITTEN RECEIPT WHEN THE PROFESSIONAL BAIL
6 AGENT ACCEPTS COLLATERAL OR ACCEPTS A SECURITY INTEREST IN THE
7 COLLATERAL; TO BRING FORWARD SECTION 83-39-27, MISSISSIPPI CODE OF
8 1972, WHICH PROVIDES FOR UNLAWFUL ACTIVITIES RELATED TO
9 PROFESSIONAL BAIL AGENTS, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 83-39-25, Mississippi Code of 1972, is
13 amended as follows:

14 83-39-25. (1) A professional bail agent or his or her agent
15 shall charge and collect for his or her premium, commission, or
16 fee an amount of ten percent (10%) of the amount of bail per bond
17 posted by him or her, or One Hundred Dollars (\$100.00), whichever
18 is greater, except on a bond on a defendant who is charged with a
19 capital offense, or on a defendant who resides outside the State
20 of Mississippi, in which case the premium, commission or fee shall
21 be fifteen percent (15%) of the amount of bail, per bond posted by



him or her, or One Hundred Dollars (\$100.00), whichever is greater.

(2) A professional bail agent or his or her agent shall also charge an additional Fifty Dollars (\$50.00) processing fee on each bond issued by him or her.

(3) * * * When a bail bond is Fifteen Thousand Dollars (\$15,000.00) or more and the premium is financed by a professional bail agent, the professional bail agent or his or her agent * * * shall hold collateral or * * * take a security interest in the collateral for the purpose of insuring the payment of the premium of the bond posted or indemnifying the professional bail agent for losses incurred due to a forfeiture of a bond or the costs of apprehension and surrender of the principal. When a professional bail agent accepts collateral or accepts a security interest in collateral, he or she shall give a written receipt for the collateral or security interest. This receipt shall give in detail a full description of the collateral received. The collateral or security interest taken shall be released by the bail agent upon extinguishment of the bond.

(4) Any fee charged by a professional bail agent or his agent for court-approved electronic monitoring or drug testing shall not be considered part of the premium, commission or fee charged under this section.

SECTION 2. Section 83-39-27, Mississippi Code of 1972, is brought forward as follows:



83-39-27. It is unlawful for a licensee to engage in any of the following activities:

(a) Specify, suggest or advise the employment of any particular attorney to represent his principal.

(b) Pay a fee or rebate or give or promise to give anything of value to a jailer, policeman, peace officer, clerk, deputy clerk, any other employee of any court, district attorney or any of his employees or any person who has power to arrest or to hold any person in custody.

(c) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any act on a bond, or as counsel to represent such bail agent, his agent or employees.

(d) Pay a fee or rebate or give or promise to give anything of value to the person on whose bond he is surety.

(e) Pay a fee or rebate or give or promise to give anything of value to any person, other than a soliciting bail agent, for the purpose of procuring a bail bond.

(f) Accept anything of value from a person on whose bond he is surety, or from others on behalf of such person, except the fee or premium on the bond, but the bail agent may accept collateral security or other indemnity.

(g) Coerce, suggest, aid and abet, offer promise of favor or threaten any person on whose bond he is surety or offers to become surety, to induce that person to commit any crime.



72 (h) Give legal advice or a legal opinion in any form.

73 (i) Refuse to return collateral security or other
74 indemnity when the fee or premium on the bond has been fully paid
75 or when the bail agent's obligation on the bond has been
76 terminated.

77 **SECTION 3.** This act shall take effect and be in force from
78 and after July 1, 2018.

