

By: Representative Turner

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 843

1 AN ACT TO AMEND SECTION 83-39-7, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE A PERSONAL SURETY TO MAINTAIN A DEPOSIT OF SECURITIES IN
3 THE AMOUNT OF ONE-TENTH THE AMOUNT OF ALL BONDS OR UNDERTAKINGS
4 WRITTEN IN THIS STATE ON WHICH HE IS LIABLE, BUT IN NO INSTANCE
5 LESS THAN THIRTY THOUSAND DOLLARS; AND FOR RELATED 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) (a) Each applicant for a professional bail
10 agent license who acts as personal surety shall * * * maintain a
11 deposit of securities with and satisfactory to the commissioner of
12 a fair market value in the amount of at least one-tenth (1/10th)
13 the amount of all bonds or undertakings written in this state on
14 which he is absolutely or conditionally liable as of the first day
15 of the current month, but in no instance shall the qualification
16 bond be less than Thirty Thousand Dollars (\$30,000.00).

17 (b) The Insurance Department shall submit a report to
18 the Senate and House of Representatives Committees on
19 Accountability, Efficiency and Transparency that details the



20 amount of all bonds or undertakings that each bail bondsman has
21 written in this state on which the bail bondsman is absolutely or
22 conditionally liable since the Bail Bond Database was established
23 by the department. The report shall be submitted on or before
24 December 1, 2017. The report shall also include the number of
25 bail bondsmen who have failed to comply with the database
26 reporting requirements, if any, the technical issues that may have
27 occurred since the database was established and any suggested
28 legislation to ensure each bail bondsman's continued compliance
29 with the database reporting requirements.

30 (2) The qualification bond shall be made by depositing with
31 the commissioner the aforesaid amount of bonds of the United
32 States, the State of Mississippi or any agency or subdivision
33 thereof, or a certificate of deposit issued by an institution
34 whose deposits are insured by the Federal Deposit Insurance
35 Corporation and made payable jointly to the owner and the
36 Department of Insurance, or shall be written by an insurer as
37 defined in this chapter, shall meet the specifications as may be
38 required and defined in this chapter, and shall meet such
39 specifications as may be required and approved by the department.
40 The bond shall be conditioned upon the full and prompt payment of
41 any bail bond issued by such professional bail agent into the
42 court ordering the bond forfeited. The bond shall be to the
43 people of the State of Mississippi in favor of any court of this



44 state, whether municipal, justice, county, circuit, Supreme or
45 other court as provided in this section.

46 (3) If any bond issued by a professional bail agent is
47 declared forfeited and judgment entered thereon by a court of
48 proper jurisdiction as authorized in Section 99-5-25, and the
49 amount of the bond is not paid within ninety (90) days, that court
50 shall order the department to declare the qualification bond of
51 the professional bail agent to be forfeited and the license
52 revoked. If the bond was not forfeited correctly under Section
53 99-5-25, it shall be returned to the court as uncollectible. The
54 department shall then order the surety on the qualification bond
55 to deposit with the court an amount equal to the amount of the
56 bond issued by the professional bail agent and declared forfeited
57 by the court, or the amount of the qualification bond, whichever
58 is the smaller amount. The department shall, after hearing held
59 upon not less than ten (10) days' written notice, suspend the
60 license of the professional bail agent until such time as another
61 qualification bond in the required amount is posted with the
62 department. The revocation of the license of the professional
63 bail agent shall also serve to revoke the license of each
64 soliciting bail agent and bail enforcement agent employed or used
65 by such professional bail agent. In the event of a final judgment
66 of forfeiture of any bail bond written under the provisions of
67 this chapter, the amount of money so forfeited by the final
68 judgment of the proper court, less all accrued court costs and



69 excluding any interest charges or attorney's fees, shall be
70 refunded to the bail agent or his insurance company upon proper
71 showing to the court as to which is entitled to same, provided the
72 defendant in such cases is returned to the sheriff of the county
73 to which the original bail bond was returnable within twelve (12)
74 months of the date of such final judgment, or proof made of
75 incarceration of the defendant in another jurisdiction, and that a
76 "Hold Order" has been placed upon the defendant for return of the
77 defendant to the sheriff upon release from the other jurisdiction,
78 the return to the sheriff to be the responsibility of the
79 professional bail agent, then the bond forfeiture shall be stayed
80 and remission made upon petition to the court, in the amount found
81 in the court's discretion to be just and proper. A bail agent
82 licensed under this chapter shall have a right to apply for and
83 obtain from the proper court an extension of time delaying a final
84 judgment of forfeiture if such bail agent can satisfactorily
85 establish to the court wherein such forfeiture is pending that the
86 defendant named in the bail bond is lawfully in custody outside of
87 the State of Mississippi.

88 (4) The qualification bond may be released by the department
89 to the professional bail personal surety agent upon an order to
90 release the qualification bond issued by a court of competent
91 jurisdiction, or upon written request to the department by the
92 professional bail personal surety agent no earlier than five (5)
93 years after the expiration date of his last license and upon proof



94 of the extinguishment of all liability on outstanding bonds.
95 However, the commissioner shall have the authority to review
96 specific financial circumstances and history of a professional
97 bail agent on a case by case basis, and may release a portion of
98 the deposit if warranted.

99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2018.

