

By: Representative McLean

To: Judiciary B

HOUSE BILL NO. 1383

1 AN ACT TO AMEND SECTION 99-5-27, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE A BAIL AGENT TO ENGAGE AN EXTRADITION SERVICE TO RETURN
 3 THE PRINCIPAL; TO AUTHORIZE THE ENGAGEMENT OF LAW ENFORCEMENT
 4 OFFICERS IN CERTAIN JURISDICTIONS; TO PROVIDE THAT, EXCEPT IN
 5 EXTRAORDINARY CASES, THE COST OF EXTRADITION SHALL BE AGREED UPON
 6 AND PAID BEFORE THE EXTRADITION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 99-5-27, Mississippi Code of 1972, is
 9 amended as follows:

10 99-5-27. (1) (a) "Surrender" means the delivery of the
 11 defendant, principal on bond, physically to the sheriff or chief
 12 of police or in his absence, his jailer, and it is the duty of the
 13 sheriff or chief of police, or his jailer, to accept the surrender
 14 of the principal when presented and such act is complete upon the
 15 execution of verbal or written surrender notice presented by a
 16 bail agent and shall relieve the bail agent of liability on the
 17 principal's bond.

18 (b) A bail agent may surrender the principal if the
 19 principal is found to be detained on another charge. If the
 20 principal is found incarcerated in another jurisdiction, the bail



21 agent may surrender him by verbal or written notice of surrender
22 to the sheriff or chief of police, or his jailer, of that
23 jurisdiction and the notice of surrender shall act as a "Hold
24 Order" and upon presentation of written surrender notice to the
25 court of proper jurisdiction, the court shall order a "Hold Order"
26 placed on the principal for the court and shall relieve the bail
27 agent of liability on the principal's bond, with the provision
28 that, upon release from incarceration in the other jurisdiction,
29 return of the principal to the sheriff shall be the responsibility
30 of the bail agent. The bail agent shall satisfy the
31 responsibility to return a principal held by a "Hold Order" in
32 another jurisdiction upon release from the other jurisdiction
33 either by personally returning the principal to the sheriff * * *
34 or the bail agent shall engage an extradition service to return
35 the principal. Where the other jurisdiction will not release the
36 principal to any person other than a law enforcement officer, the
37 bail agent may engage the services of any available law
38 enforcement agency or shall request that the county use its law
39 enforcement officers.

40 (c) Except in extraordinary circumstances, the cost of
41 extradition shall be agreed upon and paid before the extradition
42 takes place. If the extradition cost exceeds the appearance bond
43 amount, the bail agent may request the "Hold Order" be set aside
44 and remit the full amount of the appearance bond to the court on
45 the date of final judgement. The bail agent is not responsible



46 for extradition cost if a verbal or written notice of surrender
47 was not submitted by the bail agent to the court of proper
48 jurisdiction.

49 (* * *d) The surrender of the principal by the bail
50 agent, within the time period provided in Section 99-5-25, shall
51 serve to discharge the bail agent's liability to the State of
52 Mississippi and any of its courts; but if this is done after
53 forfeiture of the bond or recognizance, the court shall set aside
54 the judgment nisi or final judgment upon filing of surrender
55 notice by the bail agent.

56 (2) (a) A bail agent, at any time, may surrender the
57 principal to any law enforcement agency or in open court in
58 discharge of the bail agent's liability on the principal's bond if
59 the law enforcement agency that was involved in setting the
60 original bond approves of such surrender, to the State of
61 Mississippi and any of its courts and at any time may arrest and
62 transport its principal anywhere or may authorize another to do
63 so, may be assisted by any law enforcement agency or its agents
64 anywhere upon request of bail and may receive any information
65 available to law enforcement or the courts pertaining to the
66 principal for the purpose of safe surrender or for any reasonable
67 cause in order to safely return the principal to the custody of
68 law enforcement and the court.

69 (b) A bail agent, at any time, may arrest its principal
70 anywhere or authorize another to do so for the purpose of



71 surrender of the principal on a bail bond. Failure of the sheriff
72 or chief of police or his jailer, any law enforcement agency or
73 its agents or the court to accept surrender of a principal by a
74 bail agent shall relieve the bail agent of any liability on the
75 principal's bond, and the bond shall be void.

76 (3) A bail agent, at any time, upon request by the defendant
77 or others on behalf of the defendant, may privately interview the
78 defendant to obtain information to help with surrender before
79 posting any bail bond on behalf of the defendant. All licensed
80 bail agents shall have equal access to jails or detention
81 facilities for the purpose of such interviews, the posting of bail
82 bonds and the surrender of the principal.

83 (4) Upon surrender, the court, after full review of the
84 defendant and the pending charges, in open court, may discharge
85 the prisoner on his giving new bail, but if he does not give new
86 bail, he shall be detained in jail.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2024.

