

By: Rogers

To: Judiciary B

HOUSE BILL NO. 445
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 83-39-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT IF A BAIL BOND IS NOT FORFEITED CORRECTLY, IT SHALL
3 BE RETURNED TO THE COURT AS UNCOLLECTIBLE; AND FOR RELATED
4 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 professional bail agent who
9 acts as personal surety shall be required to post a qualification
10 bond in the amount of Five Thousand Dollars (\$5,000.00) with the
11 department. Any professional bail agent making application for
12 license renewal, as herein provided, who shall have furnished bail
13 in fifty (50) or more criminal cases shall post such bond in the
14 amount of Ten Thousand Dollars (\$10,000.00). The qualification
15 bond shall be made by depositing with the commissioner the
16 aforesaid amount of bonds of the United States, State of
17 Mississippi, or any agency or subdivision thereof, or shall be
18 written by an insurer as defined in this chapter, shall meet the
19 specifications as may be required and defined in this chapter, and
20 shall meet such specifications as may be required and approved by
21 the department. The bond shall be conditioned upon the full and
22 prompt payment of any bail bond issued by such professional bail
23 agent into the court ordering the bond forfeited. The bond shall
24 be to the people of the State of Mississippi in favor of any court
25 of this state, whether municipal, justice, county, circuit,
26 Supreme or other court. If any bond issued by a professional bail
27 agent is declared forfeited and judgment entered thereon by a

28 court of proper jurisdiction as authorized in Section 99-5-25, and
29 the amount of the bond is not paid within ninety (90) days, that
30 court shall order the department to declare the qualification bond
31 of the professional bail agent to be forfeited and the license
32 revoked. If the bond was not forfeited correctly under Section
33 99-5-25, it shall be returned to the court as uncollectible. The
34 department shall then order the surety on the qualification bond
35 to deposit with the court an amount equal to the amount of the
36 bond issued by the professional bail agent and declared forfeited
37 by the court, or the amount of the qualification bond, whichever
38 is the smaller amount. The department shall, after hearing held
39 upon not less than ten (10) days' written notice, suspend the
40 license of the professional bail agent until such time as another
41 qualification bond in the required amount is posted with the
42 department. The revocation of the license of the professional
43 bail agent shall also serve to revoke the license of each
44 soliciting bail agent and bail enforcement agent employed or used
45 by such professional bail agent. In the event of a final judgment
46 of forfeiture of any bail bond written under the provisions of
47 this chapter, the amount of money so forfeited by the final
48 judgment of the proper court, less all accrued court costs and
49 excluding any interest charges or attorney's fees, shall be
50 refunded to the bail agent or his insurance company upon proper
51 showing to the court as to which is entitled to same, provided the
52 defendant in such cases is returned to the sheriff of the county
53 to which the original bail bond was returnable within twelve (12)
54 months of the date of such final judgment, or proof made of
55 incarceration of the defendant in another jurisdiction, and that a
56 "Hold Order" has been placed upon the defendant for return of the
57 defendant to the sheriff upon release from the other jurisdiction,
58 the return to the sheriff to be the responsibility of the
59 professional bail agent as provided in subsection (2) of this
60 section, then the bond forfeiture shall be stayed and remission
61 made upon petition to the court, in the amount found in the
62 court's discretion to be just and proper. A bail agent licensed
63 under this chapter shall have a right to apply for and obtain from
64 the proper court an extension of time delaying a final judgment of

65 forfeiture if such bail agent can satisfactorily establish to the
66 court wherein such forfeiture is pending that the defendant named
67 in the bail bond is lawfully in custody outside of the State of
68 Mississippi.

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

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

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

80 SECTION 2. This act shall take effect and be in force from
81 and after July 1, 2000.