

By: Minor

To: Judiciary

SENATE BILL NO. 2838  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 83-39-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF SOLICITING BAIL AGENT; AND FOR RELATED  
3 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. The above definition shall not include,  
19 and this chapter does not apply to, any individual who acts as  
20 personal surety in instances where there is no compensation  
21 charged or received for such service.

22 (e) "Soliciting bail agent" means any person who is  
23 appointed by a professional bail agent to execute or countersign  
24 bail bonds in connection with judicial proceedings and who is duly  
25 licensed by the commissioner to represent such professional bail  
26 agent, as an agent or employee of a professional bail agent, or as

27 an independent contractor, for compensation or otherwise, shall  
28 solicit, advertise or actively seek bail bond business for or in  
29 behalf of a professional bail agent.

30 (f) "Bail enforcement agent" means a person who assists  
31 the professional bail agent in presenting the defendant in court  
32 when required, or who assists in the apprehension and surrender of  
33 the defendant to the court or who keeps the defendant under  
34 necessary surveillance. Nothing herein shall affect the right of  
35 professional bail agents to have counsel or to ask assistance of  
36 law enforcement officers.

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

44 (h) "Personal surety agent" means any individual who,  
45 having posted the necessary qualification bond with the  
46 commissioner as required by Section 83-39-7, and duly licensed by  
47 the commissioner, may execute and sign bail bonds in connection  
48 with judicial proceedings. All new personal surety agents  
49 licensed after July 1, 1994, shall complete successfully a limited  
50 examination by the department for the restricted lines of  
51 business.

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