

By: Representatives Stevens, Barbour

To: Judiciary B

HOUSE BILL NO. 663

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



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



62 the defendant for return of the defendant to the sheriff upon  
63 release from the other jurisdiction, the return to the sheriff to  
64 be the responsibility of the professional bail agent as provided  
65 in subsection (2) of this section, then the bond forfeiture shall  
66 be stayed and remission made upon petition to the court, in the  
67 amount found in the court's discretion to be just and proper. A  
68 bail agent licensed under this chapter shall have a right to apply  
69 for and obtain from the proper court an extension of time delaying  
70 a final judgment of forfeiture if such bail agent can  
71 satisfactorily establish to the court wherein such forfeiture is  
72 pending that the defendant named in the bail bond is lawfully in  
73 custody outside of the State of Mississippi.

74 (2) The professional bail agent shall satisfy the  
75 responsibility to return the defendant who has been held by a  
76 "Hold Order" in another jurisdiction upon release from the other  
77 jurisdiction:

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

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

85 SECTION 2. This act shall take effect and be in force from  
86 and after July 1, 2001.

