

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2153

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 Judgment 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.

