

By: Representative Upshaw

To: Judiciary B

HOUSE BILL NO. 1497

1 AN ACT TO AMEND SECTIONS 83-39-21 AND 83-39-27, MISSISSIPPI
2 CODE OF 1972, TO PROHIBIT A PROFESSIONAL BAIL AGENT FROM CHARGING
3 A FEE LESS THAN THE STATUTORILY REQUIRED AMOUNT; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 83-39-21, Mississippi Code of 1972, is
7 amended as follows:

8 83-39-21. (1) The commissioner, in his discretion, in lieu
9 of the hearing provided for in Section 83-39-17, may file a
10 petition to suspend or revoke any license authorized hereunder in
11 a court of competent jurisdiction of the county or district in
12 which the alleged offense occurred. In such cases, subpoenas may
13 be issued for witnesses, and mileage and witness fees paid by the
14 defendant, if found guilty. If costs cannot be made and collected
15 from the defendant, the costs shall be assessed against the
16 qualification bond if the defendant is a professional bail agent,
17 and if the defendant is a soliciting bail agent or bail
18 enforcement agent, against the employing professional bail agent
19 or his qualification bond.

20 (2) Any court of competent jurisdiction within this state
21 may suspend or revoke the license of any person licensed under
22 this chapter for any of the following reasons:

23 (a) Misappropriation, conversion or unlawful
24 withholding of monies belonging to insured principals or others
25 and received in the conduct of business under a license provided
26 by this chapter.

27 (b) Fraudulent or dishonest practices in the conduct of
28 the business under a license provided by this chapter.

29 (c) The commission of any act which would prohibit or
30 restrict the licensee from holding a license under this chapter.

31 (d) Failure to comply with the provisions of Section
32 83-39-25 (1) and (3).

33 (3) The court which suspends or revokes a license under the
34 terms of this chapter, or the clerk thereof, shall promptly
35 furnish the commissioner a copy of the suspension or revocation
36 order.

37 **SECTION 2.** Section 83-39-27, Mississippi Code of 1972, is
38 amended as follows:

39 83-39-27. It is unlawful for a licensee to engage in any of
40 the following activities:

41 (a) Specify, suggest or advise the employment of any
42 particular attorney to represent his principal.

43 (b) Pay a fee or rebate or give or promise to give
44 anything of value to a jailer, policeman, peace officer, clerk,
45 deputy clerk, any other employee of any court, district attorney
46 or any of his employees or any person who has power to arrest or
47 to hold any person in custody.

48 (c) Pay a fee or rebate or give anything of value to an
49 attorney in bail bond matters, except in defense of any act on a
50 bond, or as counsel to represent such bail agent, his agent or
51 employees.

52 (d) Pay a fee or rebate or give or promise to give
53 anything of value to the person on whose bond he is surety.

54 (e) Accept anything of value from a person on whose
55 bond he is surety, or from others on behalf of such person, except
56 the fee or premium on the bond, but the bail agent may accept
57 collateral security or other indemnity.

58 (f) Coerce, suggest, aid and abet, offer promise of
59 favor or threaten any person on whose bond he is surety or offers
60 to become surety, to induce that person to commit any crime.

61 (g) Give legal advice or a legal opinion in any form.

62 (h) Fail to comply with the provisions of Section
63 83-39-25 (1) and (3).

64 **SECTION 3.** This act shall take effect and be in force from
65 and after July 1, 2005.