

By: Representative Upshaw

To: Judiciary B

HOUSE BILL NO. 1502

1 AN ACT TO AMEND SECTION 83-39-29, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTIES FOR BOND JUMPING AND AIDING AND ABETTING;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 83-39-29, Mississippi Code of 1972, is
6 amended as follows:

7 83-39-29. (1) The department may provide information to the
8 district attorney in the district in which a professional bail
9 agent, a soliciting bail agent or bail enforcement agent is
10 domiciled so that proper legal action may be pursued against any
11 licensee who is alleged to have violated any provision of Chapter
12 39 of Title 83. Such licensee is guilty of a misdemeanor and
13 shall be subject to a fine of not more than One Thousand Dollars
14 (\$1,000.00), imprisonment in the county jail for not more than one
15 (1) year, or both. Any insurer violating any provision of Chapter
16 39 of Title 83 may be fined in an amount not to exceed Fifty
17 Thousand Dollars (\$50,000.00).

18 (2) Any person who acts or attempts to solicit, write or
19 present a bail bond as a professional bail agent, soliciting bail
20 agent, or bail enforcement agent as defined in this chapter and
21 who is not licensed under this chapter is guilty of a misdemeanor
22 and, upon conviction, shall be subject to a fine of not more than
23 One Thousand Dollars (\$1,000.00), imprisonment in the county jail
24 for not more than one (1) year, or both.

25 (3) Any person who acts or attempts to act or represents
26 himself to be, or impersonates a professional bail agent, a
27 soliciting bail agent or a bail enforcement agent, as defined in

28 this chapter by attempting to arrest or detaining any person and
29 who is not licensed under this chapter is guilty of a misdemeanor
30 and, upon conviction, shall be subject to a fine of not more than
31 Five Thousand Dollars (\$5,000.00), imprisonment for not more than
32 one (1) year, or both.

33 (4) A bail agent, bail enforcement agent or bail enforcement
34 agent from another state shall report to the sheriff's department
35 of the county in which he is attempting to locate a fugitive prior
36 to beginning to look for the fugitive to prove his licensing and
37 legal right to the fugitive. Failure to prove licensing shall be
38 an offense punishable by a fine not to exceed One Thousand Dollars
39 (\$1,000.00).

40 (5) Any person charged with a criminal violation who has
41 obtained his release from custody by having a professional bail
42 agent, insurer, agent of such bail agent or insurer, or any person
43 other than himself furnish his bail bond and who fails to appear
44 in court, at the time and place ordered by the court, is guilty of
45 "bond jumping" and, upon conviction, shall be punished as follows:

46 (a) If the criminal violation for which the person was
47 charged was a misdemeanor, the person shall be guilty of a
48 misdemeanor and subject to a fine of not more than One Thousand
49 Dollars (\$1,000.00), imprisonment in the county jail for not more
50 than one (1) year, or both, and payment of restitution for
51 reasonable expenses incurred in returning the defendant to court;

52 (b) If the criminal violation for which the person was
53 charged was a felony, the person shall be guilty of a felony and
54 subject to a fine of not more than Five Thousand Dollars
55 (\$5,000.00) or imprisonment in the State Penitentiary for not more
56 than five (5) years, or both.

57 (6) Any person who aids and abets any person in the
58 commission of any offense set out herein, whether or not the
59 person committing the principal offense actually is convicted,
60 shall be guilty of the same offense which that person aided and

61 abetted and shall be punished as provided for such offense. Any
62 person who commits the offense of aiding and abetting shall be
63 jointly and severally liable for payment of restitution for
64 reasonable expenses incurred in returning the defendant to court
65 due to his or her conduct.

66 (7) Any bail agent who is prejudiced or injured by the
67 commission of any of the offenses set out herein has standing to
68 file a complaint alleging the commission of the offense or
69 offenses.

70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2005.