

By: Representative Keen

To: Judiciary B; State  
Affairs

HOUSE BILL NO. 1484

1 AN ACT TO CREATE THE MISSISSIPPI ILLEGAL ALIEN CERTIFIED  
2 BOUNTY HUNTER PROGRAM; TO PROVIDE DEFINITIONS FOR; TO AUTHORIZE  
3 BAIL BOND AGENTS AND SURETY AGENTS TO ENTER THE PROGRAM; TO CREATE  
4 THE CRIME OF ILLEGAL TRESPASS BY AN ILLEGAL ALIEN; TO BRING  
5 FORWARD SECTIONS 83-39-25, 83-39-29 AND 83-39-31, MISSISSIPPI CODE  
6 OF 1972, WHICH PROVIDE FOR BAIL AGENTS AND PENALTIES FOR SKIPPING  
7 BAIL, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) For purposes of this act, the following  
10 words shall have the meanings described herein :

11 (a) "Certified bounty hunter" means a person who: (i)  
12 Possesses a valid unexpired license as a bail bond agent, general  
13 bail bond agent, or surety recovery agent; and (ii) Is certified  
14 under this act to find and detain illegal aliens in this state;

15 (b) "Department" means the Department Of Public Safety;

16 (c) "Illegal alien" means a person who is not lawfully  
17 present in the United States as defined and described under 8 USC  
18 Section 1101 et seq., as amended;

19 (d) "Life imprisonment" means imprisonment for the  
20 duration of a person's natural life;

21 (e) "Peace officer" means a duly certified law  
22 enforcement officer of a municipality, county, the state or a  
23 political subdivision of the state.

24 (2) A person commits the offense of trespass by an illegal  
25 alien if such person: (a) Is an illegal alien; (b) Knowingly  
26 enters this state and remains in this state; and (c) Is physically  
27 present in this state at the time a licensed bounty hunter or a  
28 peace officer apprehends such person.

29 (3) (a) The offense of trespass by an illegal alien under  
30 this section is a felony for which the authorized term of  
31 imprisonment is life imprisonment without eligibility for  
32 probation, parole, conditional release, or release except by act  
33 of the Governor or the natural death of such person.

34 (b) The provisions of this section shall not apply if  
35 the federal government enters into a written agreement with the  
36 department to take such person into custody and, within  
37 twenty-four (24) hours of such person being committed to the  
38 custody of the federal government, deport such person.

39 (4) A person who commits the offense of trespass by an  
40 illegal alien shall be forever disqualified from: (a) Registering  
41 and voting in any election under the laws of this state; (b)  
42 Securing any certificate or registration or authority, permit, or  
43 license to drive under the laws of this state; (c) Applying for or  
44 receiving any state or local public benefit offered by this state

45 or a political subdivision of this state; and (d) Becoming a legal  
46 resident of this state.

47 (5) Each person who is apprehended under this section shall  
48 provide a DNA sample under the same procedures for collecting a  
49 DNA sample described by law.

50 (6) (a) (i) The department shall develop and maintain an  
51 information system that operates at all times and provides various  
52 means to receive and maintain reports of violations of this act;  
53 (ii) The various means of receiving such reports shall include,  
54 but are not be limited to, a toll-free telephone hotline, email  
55 address, and online reporting portal. (iii) The department shall  
56 periodically publicize the hotline telephone number, email  
57 address, Internet website address, and any other means by which  
58 the department may receive such reports;

59 (b) A person who makes a report under this section may  
60 choose to remain anonymous until the person affirmatively consents  
61 to having the person's identity disclosed;

62 (c) The information system shall be staffed by sixty-  
63 five (65) off duty peace officers, retired peace officers, and any  
64 other peace officer deemed qualified by the department to staff  
65 the information system; and

66 (d) If an illegal alien is arrested and imprisoned  
67 under this section as a result of a report to the information  
68 system, the person who made the report shall be eligible to

69 receive a reward of One Thousand Dollars (\$1,000.00) for providing  
70 such report; and

71 (7) (a) The department shall develop and implement the  
72 "Mississippi Illegal Alien Certified Bounty Hunter Program", which  
73 is hereby created to certify applicants to the program as  
74 certified bounty hunters for purposes of finding and detaining  
75 illegal aliens in this state under this section;

76 (b) The program shall be administered by the department  
77 under the following application and certification procedures:

78 (i) A person who possesses a valid unexpired  
79 license as a bail bond agent, general bail bond agent, or surety  
80 recovery agent under sections may apply to the department to be  
81 certified as a licensed bounty hunter;

82 (ii) The department shall accept applications  
83 filed in the manner established by rule and on a form prescribed  
84 by the department. A completed application shall contain: 1. The  
85 date the application was prepared; 2. The applicant's signature;  
86 3. A copy of the person's valid unexpired license as a bail bond  
87 agent, general bail bond agent, or surety recovery agent under  
88 sections 4. A mailing address where the applicant can be contacted  
89 by the department for purposes of receiving first class mail,  
90 legal documents, and certified mail; 5. A telephone number or  
91 numbers where the applicant can be called by the department; and  
92 6. Other information deemed necessary by the department; and

93           (c) Upon receipt of a completed application, the  
94 department may certify the applicant as a licensed bounty hunter.  
95 The term of certification shall be for four (4) years following  
96 the date of initial certification unless the applicant withdraws  
97 the certification or the department cancels the certification  
98 before such date. The department shall notify each licensed  
99 bounty hunter of the certification's expiration and provide a  
100 renewal form to such licensed bounty hunter at least four (4)  
101 weeks before such expiration.

102           (8) (a) There is hereby created in the state treasury the  
103 "Mississippi Illegal Alien Certified Bounty Hunter Program Fund",  
104 which shall consist of monies appropriated by the general  
105 assembly. The State Treasurer shall be the custodian of the fund.  
106 The State Treasurer may approve disbursements. The fund shall be  
107 a dedicated fund and, upon appropriation, monies in this fund  
108 shall be used solely to provide monies to the department for the  
109 implementation and administration of this section.

110           (b) Notwithstanding the provisions of this section to  
111 the contrary, any monies remaining in the fund at the end of the  
112 biennium shall not revert to the credit of the general revenue  
113 fund. The State Treasurer shall invest monies in the fund in the  
114 same manner as other funds are invested. Any interest and monies  
115 earned on such investments shall be credited to the fund. The  
116 Mississippi Attorney General and the prosecuting attorney or  
117 circuit attorney of each county shall prosecute charges filed

118 under this section. The department may promulgate all necessary  
119 rules and regulations for the administration of this section. Any  
120 rule or portion of a rule, as that term is defined in this  
121 section, that is created under the authority delegated in this  
122 section shall become effective only if it complies with and is  
123 subject to all of the provisions of.

124 **SECTION 2.** Section 83-39-25, Mississippi Code of 1972, is  
125 brought forward as follows:

126 83-39-25. (1) A professional bail agent or his agent shall  
127 charge and collect for his premium, commission, or fee an amount  
128 of ten percent (10%) of the amount of bail per bond posted by him,  
129 or One Hundred Dollars (\$100.00), whichever is greater, except on  
130 a bond on a defendant who is charged with a capital offense, or on  
131 a defendant who resides outside the State of Mississippi, in which  
132 case the premium, commission or fee shall be fifteen percent (15%)  
133 of the amount of bail, per bond posted by him, or One Hundred  
134 Dollars (\$100.00), whichever is greater.

135 (2) A professional bail agent or his agent shall also charge  
136 an additional Fifty Dollars (\$50.00) processing fee on each bond  
137 issued by him.

138 (3) Nothing herein shall prohibit a professional bail agent  
139 or his agent from holding collateral or taking a security interest  
140 in collateral for the purpose of insuring the payment of the  
141 premium of the bond posted or indemnifying the professional bail

142 agent for losses incurred due to a forfeiture of a bond or the  
143 costs of apprehension and surrender of the principal.

144 (4) Any fee charged by a professional bail agent or his  
145 agent for court-approved electronic monitoring or drug testing  
146 shall not be considered part of the premium, commission or fee  
147 charged under this section.

148 **SECTION 3.** Section 83-39-29, Mississippi Code of 1972, is  
149 brought forward as follows:

150 83-39-29. (1) The department may provide information to the  
151 district attorney in the district in which a professional bail  
152 agent, a soliciting bail agent or bail enforcement agent is  
153 domiciled so that proper legal action may be pursued against any  
154 licensee who is alleged to have violated any provision of Chapter  
155 39, Title 83. Such licensee is guilty of a misdemeanor and shall  
156 be subject to a fine of not more than One Thousand Dollars  
157 (\$1,000.00), imprisonment in the county jail for not more than one  
158 (1) year, or both. Any insurer violating any provision of Chapter  
159 39, Title 83 may be fined in an amount not to exceed Fifty  
160 Thousand Dollars (\$50,000.00).

161 (2) Any person or entity who acts or attempts to solicit,  
162 write or present a bail bond as a professional bail agent,  
163 soliciting bail agent, or bail enforcement agent as defined in  
164 this chapter and who is not licensed under this chapter is guilty  
165 of a misdemeanor and, upon conviction, shall be subject to a fine

166 of not more than One Thousand Dollars (\$1,000.00), imprisonment in  
167 the county jail for not more than one (1) year, or both.

168 (3) Any person who acts or attempts to act, represents  
169 himself to be, or impersonates a professional bail agent, a  
170 soliciting bail agent or a bail enforcement agent as defined in  
171 this chapter by attempting to arrest or detaining any person, and  
172 who is not licensed under this chapter, is guilty of a misdemeanor  
173 and, upon conviction, shall be subject to a fine of not more than  
174 Five Thousand Dollars (\$5,000.00), imprisonment for not more than  
175 one (1) year, or both.

176 (4) A bail agent, bail enforcement agent or bail enforcement  
177 agent from another state shall report to the sheriff's department  
178 of the county in which he is attempting to locate a fugitive prior  
179 to beginning to look for the fugitive to prove his licensing and  
180 legal right to the fugitive. Failure to prove licensing shall be  
181 an offense punishable by a fine not to exceed One Thousand Dollars  
182 (\$1,000.00).

183 (5) Any person charged with a criminal violation who has  
184 obtained his release from custody by having a professional bail  
185 agent, insurer, agent of a bail agent or insurer, or any person  
186 other than himself furnish his bail bond and who fails to appear  
187 in court, at the time and place ordered by the court, is guilty of  
188 "bond jumping" and, upon conviction, shall be subject to a fine of  
189 not more than One Thousand Dollars (\$1,000.00), imprisonment in  
190 the county jail for not more than one (1) year, or both, and



191 payment of restitution for reasonable expenses incurred returning  
192 the defendant to court.

193 (6) Any person who knowingly and intentionally aids and  
194 abets any person in the commission of the offense of bond jumping,  
195 whether the person committing the principal offense is actually  
196 convicted, shall be guilty of aiding and abetting bond jumping  
197 and, upon conviction, shall be subject to a fine of not more than  
198 One Thousand Dollars (\$1,000.00) or imprisonment in the county  
199 jail for not more than one (1) year, or both, and payment of  
200 restitution for reasonable expenses incurred in returning the  
201 defendant to court. Any person who is convicted of aiding and  
202 abetting shall be jointly and severally liable for payment of  
203 restitution for reasonable expenses incurred in returning the  
204 defendant to court.

205 (7) Any bail agent who is prejudiced or injured by the  
206 commission of any of the offenses set forth in this section shall  
207 have standing to file a complaint alleging the commission of the  
208 offense or offenses.

209 **SECTION 4.** Section 83-39-31, Mississippi Code of 1972, is  
210 brought forward as follows:

211 83-39-31. (1) Upon every defendant charged with a criminal  
212 offense who posts a cash bail bond, a surety bail bond, a property  
213 bail bond or a guaranteed arrest bond certificate conditioned for  
214 his appearance at trial, there is imposed a fee equal to two  
215 percent (2%) of the face value of each bond or Twenty Dollars

216 (\$20.00), whichever is greater, to be collected by the clerk of  
217 the court when the defendant appears in court for final  
218 adjudication or at the time the defendant posts cash bond unless  
219 subsection (4) applies.

220 (2) Upon each defendant charged with a criminal offense who  
221 is released on his own recognizance, who deposits his driver's  
222 license in lieu of bail, or who is released after arrest on  
223 written promise to appear, there is imposed a fee of Twenty  
224 Dollars (\$20.00) to be collected by the clerk of the court when  
225 the defendant appears in court for final adjudication unless  
226 subsection (4) applies.

227 (3) Upon each defendant convicted of a criminal offense who  
228 appeals his conviction and posts a bond conditioned for his  
229 appearance, there is imposed a fee equal to two percent (2%) of  
230 the face value of each bond or Twenty Dollars (\$20.00), whichever  
231 is greater. If such defendant is released on his own recognizance  
232 pending his appeal, there is imposed a fee of Twenty Dollars  
233 (\$20.00). The fee imposed by this subsection shall be imposed and  
234 shall be collected by the clerk of the court when the defendant  
235 posts a bond unless subsection (4) applies.

236 (4) If a defendant is found to be not guilty or if the  
237 charges against a defendant are dismissed, or if the prosecutor  
238 enters a nolle prosequi in the defendant's case or retires the  
239 defendant's case to the file, or if the defendant's conviction is  
240 reversed on appeal, no fees shall be imposed.

241 (5) The State Auditor shall establish by regulation  
242 procedures providing for the timely collection, deposit,  
243 accounting and, where applicable, refund of the fees imposed by  
244 this section. The Auditor shall provide in the regulations for  
245 certification of eligibility for refunds and may require the  
246 defendant seeking a refund to submit a verified copy of a court  
247 order or abstract by which the defendant is entitled to a refund.

248 (6) It shall be the duty of the clerk or any officer of the  
249 court authorized to take bonds or recognizances to promptly  
250 collect, at the time such bonds or recognizances are received or  
251 taken, all fees imposed pursuant to this section. In all cases,  
252 the clerk or officer of the court shall deposit all fees so  
253 collected with the State Treasurer, pursuant to appropriate  
254 procedures established by the State Auditor, for deposit into the  
255 State General Fund.

256 (7) In addition to the fees imposed by this section, there  
257 shall be an assessment of Ten Dollars (\$10.00) imposed upon every  
258 criminal defendant charged with a criminal offense who posts a  
259 cash bail bond, a surety bail bond, a property bail bond or a  
260 guaranteed arrest bond to be collected by the clerk of the court  
261 and deposited in the Victims of Domestic Violence Fund created by  
262 Section 93-21-117, unless subsection (4) applies.

263 **SECTION 5.** This act shall take effect and be in force from  
264 and after July 1, 2025.