

2020 Regular Session

HOUSE BILL NO. 421

BY REPRESENTATIVE BROWN

INSURANCE: Provides relative to bail bond enforcement

1 AN ACT

2 To amend and reenact R.S. 22:1573(F) and to enact Code of Criminal Procedure Article  
3 311(6) and (7) and R.S. 22:1587, relative to bail enforcement agents; to define bail  
4 enforcement and bail enforcement agent; to provide for continuing education  
5 requirements; to provide for possession of a firearm by a bail enforcement agent; to  
6 establish penalties for violations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 311(6) and (7) are hereby amended  
9 and reenacted to read as follows:

10 Art. 311. Definitions

11 For the purpose of this Title, the following definitions shall apply:

12 \* \* \*

13 (6) Bail enforcement is the apprehension or surrender by a natural person of  
14 a principal who is released on bail or who has failed to appear at any stage of the  
15 proceedings to answer the charge before the court in which the principal may be  
16 prosecuted.

17 (7) A bail enforcement agent is a licensed bail agent who engages in the  
18 apprehension or surrender by a natural person of a principal who is released on bail  
19 or who has failed to appear at any stage of the proceedings to answer the charge  
20 before the court in which the principal may be prosecuted.

1 Section 2. R.S. 22:1573(F) is hereby amended and reenacted and R.S. 22:1587 is  
2 hereby enacted to read as follows:

3 §1573. Continuing education requirements

4 \* \* \*

5 F. For bail bond producers, the continuing education requirement for renewal  
6 of license shall be ~~twelve~~ eighteen hours of approved bail underwriting instruction.

7 At least six of the hours shall be dedicated to matters related to bail enforcement as  
8 defined in Code of Criminal Procedure Article 311.

9 \* \* \*

10 §1587. Possession of a firearm; permit required

11 A. Any bail enforcement agent who carries a firearm shall have in his  
12 possession a concealed carry permit issued by the Louisiana State Police.

13 B. Any out-of-state bail enforcement agent who carries a firearm while  
14 conducting bail enforcement shall have in his possession a valid Louisiana concealed  
15 carry permit or other state-accredited certification qualifying the agent to carry a  
16 firearm.

17 C.(1) Any person or entity that violates the provisions of Subsection A or B  
18 of this Section shall be guilty of a misdemeanor offense punishable by imprisonment  
19 in the parish jail for no more than six months or fined an amount not to exceed five  
20 thousand dollars, or both.

21 (2)(a) In addition to any imprisonment or fine imposed pursuant to Paragraph  
22 (1) of this Subsection, the person or entity shall forfeit and surrender to the  
23 commissioner the person's or entity's license to transact insurance business in this  
24 state upon finality of the conviction.

25 (b) The person or entity shall be precluded for a period of three years from  
26 obtaining any license to transact insurance business in this state.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 421 Original

2020 Regular Session

Brown

**Abstract:** Requires a bail enforcement agent who carries a gun to have a concealed carry permit.

Present law regulates the practice of the issuance of bail bonds by bail bond producers and bail enforcement by bail enforcement agents.

Proposed law retains present law.

Proposed law defines bail enforcement as the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted and a bail enforcement agent as a licensed bail agent who engages in bail enforcement.

Present law requires bail bond producers to obtain 12 hours of continuing education in approved bail underwriting instruction.

Proposed law increases the number of required hours to 18 and adds a requirement that at least six of the hours be dedicated to matters related to bail enforcement as defined in proposed law.

Proposed law requires any bail enforcement agent who carries a firearm to have in his possession a concealed carry permit issued by the La. State Police or, if an out-of-state bail enforcement agent, to have a valid La. concealed carry permit or other state-accredited certification qualifying the agent to carry a firearm.

Proposed law provides that any person or entity that violates proposed law is guilty of a misdemeanor offense punishable by imprisonment in the parish jail for no more than six months or fined an amount not to exceed \$5,000, or both.

Proposed law further requires the person or entity to forfeit and surrender to the commissioner of insurance the person's or entity's license to transact insurance business in this state upon finality of the conviction and precludes the person or entity from obtaining any license to transact insurance business in this state for a period of three years.

(Amends R.S. 22:1573(F); Adds C.Cr.P Art. 311(6) and (7) and R.S. 22:1587)