

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 421

2020 Regular Session

Brown

INSURANCE: Provides relative to bail bond enforcement

### Synopsis of Senate Amendments

1. Adds a provision of law which states that the time period for the appearance or surrender of a defendant is interrupted during the gubernatorially-declared public health emergency due to COVID-19. Proposed law also extends the surety's opportunity to resolve a failure to appear by 180 days following the end of the state of emergency or from the date of notice of failure to appear, whichever is later. Proposed law further allows a surety to request additional time to surrender a defendant by filing a motion citing specific circumstances related to COVID-19 and pertaining to the defendant.
2. Adds a provision of law which requires notice of any new date be provided to the defendant or his agent and his personal surety or the commercial surety or bondsman who posted bail in cases where the court continued the defendant's case due to COVID-19.
3. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

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.

Proposed law provides that the time period for the appearance or surrender of a defendant is interrupted during the gubernatorially-declared public health emergency due to COVID-19.

Proposed law further provides that the surety's opportunity to resolve a failure to appear be extended by 180 days following the end of the state of emergency or from the date of notice of failure to appear, whichever is later.

Proposed law authorizes a surety to request additional time to surrender a defendant by filing a motion citing specific circumstances related to COVID-19 and pertaining to the defendant.

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

Proposed law retains present law 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 concealed firearm to be subject to the concealed handgun permit requirements provided in present law, R.S. 40:1379.3.

Proposed law provides that any person or entity that violates proposed law is subject to the

penalties provided for in present law, R.S. 40:1379.3.

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.

Proposed law makes technical changes.

(Amends R.S. 22:1573(F); Adds C.Cr.P Art. 311(6) and (7), 331(J) and (K), and R.S. 22:1587)