

SENATE BILL NO. 108

BY SENATORS GARY SMITH, BISHOP, CARTER, MARTINY, MORRELL AND  
PRICE AND REPRESENTATIVES GAINES, JACKSON, LEOPOLD,  
LYONS, MARCELLE AND STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 22:1443, relative to the premium on criminal bail bonds; to  
3 provide relative to additional collections in certain parishes; and to provide for  
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1443 is hereby amended and reenacted to read as follows:

7 §1443. Premium on criminal bail bond

8 A. The premium rate set for commercial surety underwriters writing criminal  
9 bail bonds in the various courts throughout the state of Louisiana shall not be subject  
10 to the rates set by the insurance commissioner, but shall be set and adjusted by the  
11 legislature. ~~The~~ **Except as provided in Subsection B of this Section, the** rate for  
12 all commercial surety underwriters writing criminal bail bonds in the state of  
13 Louisiana shall be twelve percent of the face amount of the bond; or one hundred  
14 twenty dollars, whichever is greater. Any additional fee authorized by R.S.  
15 13:718(I)(2) shall not be included in this premium rate and shall be exclusive of the  
16 limit set by this Section. All other provisions of the code relating to enforcement of  
17 the rate shall be effective and enforced in accordance with all parts of this Section.

18 **B.(1) In any parish having a population of more than three hundred**  
19 **thousand and fewer than four hundred thousand persons according to the latest**  
20 **federal decennial census, to the extent an additional one percent has been**  
21 **collected under color of the provisions of Act 350 of the 2005 Regular Session,**  
22 **no repayment of overcollections as determined by the commissioner shall be**  
23 **required nor shall such actions be considered a violation of R.S. 22:855 or R.S.**  
24 **22:1443.**

1                    **(2) Notwithstanding any provision of law to the contrary, in no parish**  
 2                    **covered by the provisions of this Subsection shall the fee provided for in R.S.**  
 3                    **22:822 be more than two dollars for each one hundred dollars worth of liability**  
 4                    **underwritten by the commercial surety.**

5                    Section 2. As enacted herein, R.S. 22:1443(B)(1) clarifies the procedure and  
 6                    interpretation of Act 350 of the 2005 Regular Session and shall have retroactive effect.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_