

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) is hereby enacted to
9 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.

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 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.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Make technical changes.
2. Delete a provision of proposed law that would increase the continuing education requirement from 12 hours to 18 hours.
3. Delete provisions of proposed law that requires a bail enforcement agent who carries a firearm to have in his possession a concealed carry permit.
4. Delete penalties in proposed law that provide that any person who violates proposed law is guilty of a misdemeanor offense punishable by six months in the parish jail or a fine of not more than \$5,000, or both.
5. Add provisions that require any bail enforcement agent who carries a concealed firearm to be subject to the concealed handgun permit requirements found in present law.
6. Add provisions that require any person or entity that violates the concealed handgun permit requirements be subject to the penalties provided for in present law.