

2018 Regular Session

HOUSE BILL NO. 897 (Substitute for House Bill No. 506 by Representative Jackson)

BY REPRESENTATIVE JACKSON

INSURANCE: Provides relative to prohibited acts by bail enforcement agents

1 AN ACT

2 To amend and reenact R.S. 22:1556(C) and (D) and to enact R.S. 22:1586, relative to bail
3 enforcement agents; to authorize disciplinary actions for certain prohibited bail-
4 related activities; to prohibit certain disciplinary actions based solely upon prohibited
5 acts by bail enforcement agents; to provide for liability; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1556(C) and (D) are hereby amended and reenacted and R.S.
9 22:1586 is hereby enacted to read as follows:

10 §1556. License to solicit or transact bail; prohibited activities

11 * * *

12 C. Upon first violation, a person or entity that violates Subsection A of this
13 Section ~~shall~~ may be subjected to a six-month suspension of their license to write or
14 solicit bail bonds and fined an amount not to exceed five thousand dollars. A second
15 or any subsequent violation ~~shall~~ may subject the person or entity to a suspension of
16 their license to write or solicit bail bonds for not more than one year and a fine not
17 to exceed ten thousand dollars. A hearing may be requested pursuant to the
18 provisions of Chapter 12 of this Title, subject to the provisions of Chapter 13-B of
19 Title 49 of the Louisiana Revised Statutes of 1950.

1 D. A person or entity that violates Subsection B of this Section ~~shall~~ may be
 2 fined an amount not to exceed five thousand dollars for each violation. A hearing
 3 may be requested pursuant to the provisions of Chapter 12 of this Title, subject to the
 4 provisions of Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950.

* * *

6 §1586. Prohibited actions of bail enforcement agents; liability

7 A. The commissioner may, in his discretion, determine that no prohibited act
 8 committed by a licensed bail enforcement agent contracted with a bail bond agency
 9 or producer may serve as the sole basis for the suspension or revocation of the
 10 agency's or producer's license or the imposition of a fine on the bail bond agency or
 11 producer pursuant to R.S. 22:1556 absent a finding by the Department of Insurance
 12 that the bail bond agency or producer had actual or constructive knowledge of or
 13 participated in the prohibited act.

14 B. Nothing in this Section shall be construed to alter, amend, restrict, or limit
 15 the liability of any bail bond agency or producer or bail enforcement agent.

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)]

HB 897 Reengrossed

2018 Regular Session

Jackson

Abstract: Provides for disciplinary actions against a bail bond agency or producer after the commission of a prohibited act.

Present law prohibits a bail bond producer from directly or indirectly permitting any person, including an employee, to sign or execute a power of attorney or to effect the undertaking of bail for the release of a defendant or to apprehend or surrender a defendant on his behalf unless the person is properly licensed by the commissioner of insurance.

Proposed law retains present law.

Present law requires, upon first violation, the commissioner of insurance to suspend the license to write or solicit bail bonds for six months and impose a fine in an amount not to exceed \$5,000. Present law further requires, for any subsequent violation, the commissioner to suspend the license for not more than one year and impose a fine not to exceed \$10,000.

Proposed law changes the requirement to suspend the license and impose a fine to an authorization to take such actions.

Present law prohibits a bail bond producer from directly or indirectly giving a gift of any kind to a prisoner of a jail or place of detention or to a public official or employee of a governmental agency whose duties, functions, or responsibilities include the administration of justice.

Proposed law retains present law.

Present law requires the commissioner of insurance to impose a fine in an amount not to exceed \$5,000 for each violation.

Proposed law changes the requirement to impose a fine to an authorization to impose a fine.

Proposed law authorizes the commissioner of insurance to decide if a prohibited act committed by a licensed bail enforcement agent contracted with a bail bond agency or producer may serve as the sole basis for a suspension or revocation of the agency's or producer's license or the imposition of a fine on the bail bond agency or producer absent a finding by the Dept. of Insurance that the bail bond agency or producer had actual or constructive knowledge of or participated in the prohibited act.

Nothing in proposed law shall be construed to alter, amend, restrict, or limit the liability of any of any bail bond agency or producer or bail enforcement agent.

(Amends R.S. 22:1556(C) and (D); Adds R.S. 22:1586)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Authorize the commissioner of insurance to determine if a prohibited act committed by a bail enforcement agent shall be the sole basis for disciplinary action against a bail bond agency or producer.
2. Delete proposed law relative to apprentices.
3. Make technical changes.