

2018 Regular Session

HOUSE BILL NO. 506

BY REPRESENTATIVE JACKSON

INSURANCE DEPARTMENT: Provides for the licensing of bail enforcement agents

1 AN ACT

2 To amend and reenact R.S. 22:1581(A), 1582(2), 1583, and 1584(A)(introductory
3 paragraph) and to enact R.S. 22:1583.1, 1584.1, and 1584.2, relative to bail
4 enforcement agents; to define key terms; to require licensure for bail enforcement
5 agents; to establish licensure qualifications; to provide for prohibited or unauthorized
6 acts; to establish penalties; to authorize licensure and filing fees; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:1581(A), 1582(2), 1583, and 1584(A)(introductory paragraph)
10 are hereby amended ad reenacted and R.S. 22:1583.1, 1584.1, and 1584.2 are hereby enacted
11 to read as follows:

12 §1581. ~~Regulation~~ Licensing and regulation of bail enforcement agents

13 A. The commissioner ~~of insurance is hereby authorized to~~ shall adopt such
14 any regulations, in accordance with the Administrative Procedure Act, ~~as are~~
15 necessary to effectuate the requirements of this Subpart to license and regulate bail
16 enforcement agents.

17 * * *

18 §1582. Definitions

19 As used in this Subpart:

20 * * *

1 (2)(a) "Bail enforcement agent" means a person who engages in bail
2 enforcement.

3 (b) "Bail enforcement agent" shall also mean a person who on behalf of a
4 bail bond producer enters this state or is present in this state for any of the following
5 purposes:

6 (i) Assisting a bail bond producer in presenting a defendant in court when
7 required.

8 (ii) Assisting in the apprehension and surrender of a defendant to a court.

9 (iii) Keeping a defendant under surveillance.

10 (iv) Executing bonds on behalf of a bail bond producer when a power of
11 attorney has been duly recorded.

12 (c) The term "bail enforcement agent" shall not include a duly licensed
13 attorney or a law enforcement officer assisting a bail bond producer.

14 §1583. Licensing and fees; authorization to act

15 ~~Except as provided by the regulations authorized in this Subpart, bail~~
16 ~~enforcement agents shall be subject to the same licensing and fee requirements as~~
17 ~~bail bond producers:~~

18 A. No person shall act in the capacity of a bail enforcement agent within this
19 state or perform any of the functions, duties, or powers prescribed for bail
20 enforcement agents pursuant to this Subpart unless duly licensed with the
21 Department of Insurance as provided in this Section.

22 B. The commissioner shall design registration, authorization, and notice
23 forms, which, at minimum, shall require all of the following:

24 (1)(a) Identifying information for the applicant and at least one bail bond
25 producer on whose behalf the applicant will be authorized to act as agent.

26 (b) No person shall act on behalf of any bail bond producer until licensed by
27 the department.

28 (2) A complete set of the applicant's fingerprints, certified by an authorized
29 law enforcement officer.

1 (3) A recent credential-sized, full-face photograph of the applicant.

2 (4) Certification, under penalties of perjury, that the applicant is at least
3 twenty-one years of age, is a citizen of the United States, and has never been
4 convicted of a felony in any state of the United States.

5 (5) Authorization in writing, as provided in Subsection B or C of this
6 Section, from any bail bond producer on whose behalf the bail enforcement agent
7 will be authorized to enter this state or act within this state.

8 (6) Other information as the commissioner determines is reasonable and
9 necessary.

10 C. A bail bond producer conducting a bonding business in this state may
11 grant continuing authorization to a bail enforcement agent who is a citizen and
12 resident of this state to act as his or her agent on a continuing basis, for a period of
13 time not to exceed two years, either statewide or within named parishes or judicial
14 districts of the state, with respect to all defendants for whom the bail bond producer
15 acts as surety to secure an appearance. A continuing authorization shall state the
16 expiration date of the authorization on the face of the document.

17 D. A bail bond producer within or without this state may grant authorization
18 to a bail enforcement agent within or without this state to act as the producer's agent
19 with respect to a named defendant or named defendants, for a period of time not to
20 exceed sixty days, in which case notice in advance of any action to the commissioner
21 of the time and place of any proposed action within this state with respect to any
22 defendant, and the date any bail enforcement agent who is not a resident of this state
23 will enter the state, shall be required. An authorization shall state the expiration date
24 of the authorization on the face of the document.

25 E. The commissioner may require any reasonable interrogatories or
26 examinations relating to an applicant's qualifications or other matters which are
27 reasonably necessary to protect the public.

1 (1) Enter an occupied residential structure without the consent of the
2 occupants who are present at the time of the entry.

3 (2) Conduct a bail recovery arrest or apprehension without written
4 authorization from a bail bond producer.

5 (3)(a) Wear, carry, or display any uniform, badge, shield, or other insignia
6 or emblem that implies that the bail enforcement agent is an employee, officer, or
7 agent of this state, a political subdivision of this state, or the federal government.

8 (b) A bail enforcement agent shall display identification that indicates status
9 as a bail enforcement agent only.

10 (4) Conduct a bail bond apprehension or arrest without exercising due care
11 to protect the safety of persons other than the defendant and the property of persons
12 other than the defendant.

13 §1584.2. Unauthorized acts; penalties

14 A. A person who willfully violates any provision of R.S. 22:1584.1, or who
15 acts as a bail enforcement agent within this state without a license, authorization, or
16 notice required by this Subpart, shall be guilty of a misdemeanor and, upon
17 conviction thereof, shall be fined not less than five hundred dollars or more than ten
18 thousand dollars or imprisoned not more than sixty days, or both fined and
19 imprisoned.

20 B. A bail bond producer who, without filing the authorization required in this
21 Subpart, employs or contracts with a bail enforcement agent who enters this state or
22 acts on the bail bond producer's behalf within this state, who authorizes an
23 unregistered bail enforcement agent to act on the producer's behalf, or whose agent
24 acts in a manner prohibited by this Subpart, shall be subject to a civil penalty not to
25 exceed ten thousand dollars, enforceable by civil action in the district court of any
26 parish in which the unauthorized action as a bail enforcement agent has occurred.

27 C. The commissioner may enforce payment of civil penalties through the
28 courts of this state.

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 506 Original

2018 Regular Session

Jackson

Abstract: Requires bail enforcement agents to be licensed by the Dept. of Insurance.

Present law authorizes the commissioner of insurance to adopt regulations necessary for the regulation of bail enforcement agents.

Proposed law requires the commissioner to adopt regulations to license and regulate bail enforcement agents.

Present law provides that bail enforcement agents shall be subject to the same licensing and fee requirements as bail bond producers.

Proposed law establishes separate licensure, authorization, and notification requirements for bail enforcement agents.

Proposed law requires an authorization in writing from any bail bond producer on whose behalf the bail enforcement agent will be authorized to enter this state or act within this state.

Proposed law authorizes the commissioner to establish and collect a reasonable license fee not to exceed the fee requirements of bail bond producers to accompany an application for licensure.

Proposed law authorizes the commissioner to collect a filing fee not to exceed \$10 to accompany the filing of any authorization but prohibits the collection of a fee for the filing of a required notice.

Present law provides for prohibited acts by bail bond producers and penalties for violations.

Proposed law retains present law and adds prohibited acts for bail enforcement agents and penalties for violations.

(Amends R.S. 22:1581(A), 1582(2), 1583, and 1584(A)(intro. para.); Adds R.S. 22:1583.1, 1584.1, and 1584.2)