
DIGEST

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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.