

2019 Regular Session

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.

BONDS. Provides relative to criminal bail bonds. (8/1/19)

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.

- 1 **B.(1) In any parish having a population of more than three hundred**
 2 **thousand and fewer than four hundred thousand persons according to the latest**
 3 **federal decennial census, to the extent an additional one percent has been**
 4 **collected under color of the provisions of Act 350 of the 2005 Regular Session,**
 5 **no repayment of overcollections as determined by the commissioner shall be**
 6 **required.**
- 7 **(2) Notwithstanding any provision of law to the contrary, in no parish**
 8 **covered by the provisions of this Subsection shall the fee provided for in R.S.**
 9 **22:822 be more than two dollars for each one hundred dollars worth of liability**
 10 **underwritten by the commercial surety.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by LG Sullivan.

DIGEST

SB 108 Engrossed

2019 Regular Session

Gary Smith

Present law (R.S. 22:1443) provides the premium rate set for commercial surety underwriters writing criminal bail bonds in the various courts throughout the state is 12% of the face amount of the bond, or \$120, whichever is greater.

Proposed law retains present law.

Proposed law, applicable to any parish with a population between 300,000 and 400,000 persons according to the latest decennial census, provides that to the extent an additional 1% has been collected under color of the provisions of Act 350 of the 2005 Regular Session, no repayment of overcollections as determined by the commissioner shall be required.

Present law (R.S. 22:822) provides a licensing fee for all commercial surety underwriters who write criminal bail bonds that is generally 2% of the dollar value of liability underwritten by the commercial surety. Provides that in Orleans Parish, the applicable rate is 3%. Provides for distribution of the proceeds of the fee to various agencies involved in the justice system.

Proposed law retains present law.

Proposed law specifies that in any parish with a population between 300,000 and 400,000 persons according to the latest decennial census, the licensing fee shall not be more than 2%.

Effective August 1, 2019.

(Amends R.S. 22:1443)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Deletes provision increasing the premium for any parish with a population between 300,000 and 400,000 persons according to the latest decennial census.
2. Specifies that overcollections made under color of present law shall not be repaid.
3. Provides that the licensing fee in any parish with a population between 300,000 and 400,000 persons according to the latest decennial census shall not be more than 2%.