

2018 Regular Session

HOUSE BILL NO. 729

BY REPRESENTATIVE MARCELLE

FEES/LICENSES/PERMITS: Provides relative to bail bond premium fees in certain parishes

1 AN ACT

2 To amend and reenact R.S. 22:822(A)(1) and to enact R.S. 22:822(A)(3) and (B)(4), relative  
3 to criminal bail bond premium fees; to provide for bail bond premium fees in certain  
4 parishes; to establish the amount of the fee; to provide for a payment procedure and  
5 approved methods of payment; to provide for failure to pay the fee; to provide for  
6 distribution of collected fees; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:822(A)(1) is hereby amended and reenacted and R.S.  
9 22:822(A)(3) and (B)(4) are hereby enacted to read as follows:

10 §822. Criminal bail bond annual license fee

11 A. There shall be a fee on premiums for all commercial surety underwriters  
12 who write criminal bail bonds in the state of Louisiana, as follows:

13 (1) Except in the parish of Orleans and any parish with a population greater  
14 than four hundred forty thousand according to the latest federal decennial census, the  
15 fee shall be equal to two dollars for each one hundred dollars worth of liability  
16 underwritten by the commercial surety. Except as authorized under the provisions  
17 of R.S. 13:718(I)(2), this shall be the exclusive fee or tax on any criminal bail bond  
18 premium, including thereto premium taxes owed. In furtherance of the payment of  
19 this premium fee all commercial surety underwriters underwriting criminal bail  
20 bonds in the state of Louisiana shall, upon submitting the appearance bond and their

1 power of attorney, simultaneously pay to the sheriff of the parish, except in the  
 2 parish of Orleans, a fee of two dollars for each one hundred dollars worth of liability  
 3 on the bail bond being presented for the release of a person on bail. Failure to pay  
 4 the fee shall prevent the sheriff from accepting the appearance bond and power of  
 5 attorney. The sheriff may receive the fee by check or cash and shall only accept it  
 6 from the surety or the agent of the surety. In the event a surety or agent of the surety  
 7 presents payment of the fee by an instrument which is returned for insufficient funds,  
 8 the agent or the agent of the surety shall be prevented from presenting the appearance  
 9 bonds with their power of attorney attached until the outstanding fees are paid to the  
 10 sheriff.

11 \* \* \*

12 (3)(a) In any parish with a population greater than four hundred forty  
 13 thousand according to the latest federal decennial census, the fee shall be equal to  
 14 three dollars for each one hundred dollars worth of liability underwritten by the  
 15 commercial surety.

16 (b) This shall be the exclusive fee or tax on any criminal bail bond premium,  
 17 including thereto premium taxes owed.

18 (c)(i) In furtherance of the payment of this premium fee, all commercial  
 19 surety underwriters underwriting criminal bail bonds in a parish subject to the  
 20 provisions of this Paragraph shall, upon submitting the appearance bond and their  
 21 power of attorney, simultaneously pay to the sheriff of the parish a fee of three  
 22 dollars for each one hundred dollars worth of liability on the bail bond being  
 23 presented for the release of a person on bail.

24 (ii) Failure to pay the fee shall prevent the sheriff from accepting the  
 25 appearance bond and power of attorney.

26 (iii) The sheriff may receive the fee by check or cash and shall accept it only  
 27 from the surety or the agent of the surety.

28 (iv) In the event a surety or agent of the surety presents payment of the fee  
 29 by an instrument which is returned for insufficient funds, the agent or the agent of



remitted to the indigent defender fund for the judicial district in which the parish is located no later than 60 days after receipt.

Proposed law requires the remaining \$2.00 collected by the sheriff of the parish to be remitted no later than 60 days after receipt according to the following schedule:

- (1) One-third to the judicial expense fund for the judicial district in which the parish is located.
- (2) One-third to the sheriff's general fund for the parish.
- (3) One-third to the district attorney's operating fund for the parish.

(Amends R.S. 22:822(A)(1); Repeals R.S. 22:822(A)(3) and (B)(4))