

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 97

BY REPRESENTATIVE JACKSON

A CONCURRENT RESOLUTION

To urge and request the Department of Insurance to establish a task force to conduct a comprehensive study of the commercial bail bond industry as a whole and make recommendations for proposed legislation and policy changes to more effectively serve the residents of Louisiana.

WHEREAS, in the Louisiana Administrative Code, a bail bond agent is defined as any person, corporation, or partnership which holds an insurance agent or solicitor license and who is authorized to provide surety in Louisiana, or engages in the apprehension and return of persons who are released on bail or who failed to appear at any state of the proceedings to answer the charge before the court in which they are prosecuted; and

WHEREAS, Louisiana statutory law defines bail enforcement as the apprehension or surrender of a principal by a natural person who is released on bail or who has failed to appear at any state of the proceedings to answer the charge before the court in which he may be prosecuted; and

WHEREAS, current laws providing bail and bail bond requirements, procedures, and references are scattered in numerous locations throughout Louisiana criminal and civil law, including Title 22 of the Louisiana Revised Statutes of 1950; and

WHEREAS, Louisiana law vests with the Department of Insurance the responsibility to regulate persons conducting business as part of the commercial bail bond industry; and

WHEREAS, there are currently nine hundred twenty-five bail bond agents registered with the Department of Insurance, comprising seven hundred ninety-two individuals and one hundred thirty-three agencies; and

WHEREAS, the Department of Insurance received one hundred nine complaints regarding the commercial bail bond industry between 2015 and 2017; and

WHEREAS, four states, Illinois, Kentucky, Oregon, and Wisconsin, have completely banned commercial bail bonding and the practice of commercial bail bond services has effectively ended in Massachusetts as of 2014.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Insurance to establish a task force to conduct a comprehensive study of the commercial bail bond industry as a whole and make recommendations for proposed legislation and policy changes to more effectively serve the residents of Louisiana.

BE IT FURTHER RESOLVED that the task force shall be composed of representatives from any relevant and interested parties including but not limited to the following:

- (1) Louisiana Sheriffs' Association.
- (2) Louisiana District Attorneys Association.
- (3) Louisiana Public Defenders Association.
- (4) Association of Louisiana Bail Underwriters.

BE IT FURTHER RESOLVED that the task force is assigned to the Department of Insurance, with staff support to be provided from existing personnel within the department.

BE IT FURTHER RESOLVED that the commissioner of insurance or his designee shall serve as chairman of the task force.

BE IT FURTHER RESOLVED that, at the first meeting of the task force, the members shall elect a vice chairman and other officers as the members deem appropriate.

BE IT FURTHER RESOLVED that members of the task force shall receive no compensation for their services and shall serve at no expense to the state.

BE IT FURTHER RESOLVED that the task force may conduct meetings at such places and at such times necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this Resolution.

BE IT FURTHER RESOLVED that the task force shall submit a report of its findings and recommendations including proposed legislation to the House and Senate committees on insurance no later than sixty days prior to the convening of the 2019 Regular Legislative Session.

BE IT FURTHER RESOLVED that the legislative authority for the task force shall terminate on December 31, 2019.

BE IT FURTHER RESOLVED that the commissioner of insurance or his designee shall convene the task force for its first meeting no later than October 1, 2018.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the commissioner of insurance.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE