

RÉSUMÉ DIGEST

ACT 563 (HB 897)

2018 Regular Session

Jackson

Existing 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.

Prior law required, 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. Prior law further required, 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.

New law changes the requirement to suspend the license and impose a fine to an authorization to take such actions.

Existing 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.

Prior law required the commissioner of insurance to impose a fine in an amount not to exceed \$5,000 for each violation.

New law changes the requirement to impose a fine to an authorization to impose a fine.

New 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 new law shall be construed to alter, amend, restrict, or limit the liability of any bail bond agency or producer or bail enforcement agent.

Effective August 1, 2018.

(Amends R.S. 22:1556(C) and (D); Adds R.S. 22:1586)