HLS 20RS-884 ENGROSSED

AN ACT

2020 Regular Session

HOUSE BILL NO. 421

1

BY REPRESENTATIVE BROWN

INSURANCE: Provides relative to bail bond enforcement

2 To amend and reenact R.S. 22:1573(F) and to enact Code of Criminal Procedure Article 3 311(6) and (7) and R.S. 22:1587, relative to bail enforcement agents; to define bail 4 enforcement and bail enforcement agent; to provide for continuing education 5 requirements; to provide for possession of a firearm by a bail enforcement agent; to 6 establish penalties for violations; and to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. Code of Criminal Procedure Article 311(6) and (7) is hereby enacted to 9 read as follows: 10 Art. 311. Definitions 11 For the purpose of this Title, the following definitions shall apply: 12 13 (6) Bail enforcement is the apprehension or surrender by a natural person of 14 a principal who is released on bail or who has failed to appear at any stage of the 15 proceedings to answer the charge before the court in which the principal may be 16 prosecuted. 17 (7) A bail enforcement agent is a licensed bail agent who engages in the 18 apprehension or surrender by a natural person of a principal who is released on bail 19 or who has failed to appear at any stage of the proceedings to answer the charge 20 before the court in which the principal may be prosecuted.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	Section 2. R.S. 22:1573(F) is hereby amended and reenacted and R.S. 22:1587 is
2	hereby enacted to read as follows:
3	§1573. Continuing education requirements
4	* * *
5	F. For bail bond producers, the continuing education requirement for renewal
6	of license shall be twelve hours of approved bail underwriting instruction. At least
7	six of the hours shall be dedicated to matters related to bail enforcement as defined
8	in Code of Criminal Procedure Article 311.
9	* * *
10	§1587. Possession of a firearm; permit required
11	A. Any bail enforcement agent who carries a concealed firearm is subject to
12	the concealed handgun permit requirements of this state as provided in R.S.
13	<u>40:1379.3.</u>
14	B.(1) Any person or entity that violates the provisions of Subsection A of
15	this Section shall be subject to the penalties provided for in R.S. 40:1379.3.
16	(2)(a) In addition to any imprisonment or fine imposed pursuant to Paragraph
17	(1) of this Subsection, the person or entity shall forfeit and surrender to the
18	commissioner the person's or entity's license to transact insurance business in this
19	state upon finality of the conviction.
20	(b) The person or entity shall be precluded for a period of three years from
21	obtaining any license to transact insurance business in this state.

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 421 Engrossed

2020 Regular Session

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**Abstract:** Requires a bail enforcement agent who carries a gun to have a concealed carry permit.

<u>Present law</u> regulates the practice of the issuance of bail bonds by bail bond producers and bail enforcement by bail enforcement agents.

Proposed law retains present law.

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<u>Proposed law</u> defines bail enforcement as the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted and a bail enforcement agent as a licensed bail agent who engages in bail enforcement.

<u>Present law</u> requires bail bond producers to obtain 12 hours of continuing education in approved bail underwriting instruction.

<u>Proposed law</u> retains <u>present law</u> and adds a requirement that at least six of the hours be dedicated to matters related to bail enforcement as defined in proposed law.

<u>Proposed law</u> requires any bail enforcement agent who carries a concealed firearm to be subject to the concealed handgun permit requirements provided in <u>present law</u>, R.S. 40:1379.3.

<u>Proposed law</u> provides that any person or entity that violates <u>proposed law</u> is subject to the penalties provided for in <u>present law</u>, R.S. 40:1379.3.

<u>Proposed law</u> further requires the person or entity to forfeit and surrender to the commissioner of insurance the person's or entity's license to transact insurance business in this state upon finality of the conviction and precludes the person or entity from obtaining any license to transact insurance business in this state for a period of three years.

(Amends R.S. 22:1573(F); Adds C.Cr.P Art. 311(6) and (7) and R.S. 22:1587)

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Insurance</u> to the original bill:

- 1. Make technical changes.
- 2. Delete a provision of <u>proposed law</u> that would increase the continuing education requirement <u>from</u> 12 hours <u>to</u> 18 hours.
- 3. Delete provisions of <u>proposed law</u> that requires a bail enforcement agent who carries a firearm to have in his possession a concealed carry permit.
- 4. Delete penalties in <u>proposed law</u> that provide that any person who violates <u>proposed law</u> is guilty of a misdemeanor offense punishable by six months in the parish jail or a fine of not more than \$5,000, or both.
- 5. Add provisions that require any bail enforcement agent who carries a concealed firearm to be subject to the concealed handgun permit requirements found in present law.
- 6. Add provisions that require any person or entity that violates the concealed handgun permit requirements be subject to the penalties provided for in <u>present law</u>.