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BAIL BOND AMENDMENT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Stephen H. Urquhart

This act modifies the Bail Bond Sureties and Agents Act to clarify that immediate relatives of a person employed at a jail or other correctional facility may not act as bail bond agents or benefit from the execution of a bail bond.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

31A-35-701, as last amended by Chapter 259, Laws of Utah 2000

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **31A-35-701** is amended to read:

31A-35-701. Prohibited acts.

(1) A bail bond agent or bail bond surety may not:

(a) solicit business in or about:

(i) any place where persons in the custody of the state or any local law enforcement or correctional agency are confined; or

(ii) any court;

(b) pay a fee or rebate or give or promise anything of value to any person in order to secure a settlement, compromise, remission, or reduction of the amount of any undertaking or bail bond;

(c) pay a fee or rebate or give anything of value to an attorney in regard to any bail bond matter, except payment for legal services actually rendered for the bail bond agent or bail bond surety;

(d) pay a fee or rebate or give or promise anything of value to the principal or anyone in the principal's behalf; or

(e) engage in any other act prohibited by the commissioner by rule.

(2) The following persons may not act as bail bond agents and may not, directly or



28 indirectly, receive any benefits from the execution of any bail bond:

29 (a) a person employed at any jail, correctional facility, or other facility used for the
30 incarceration of persons, or that person's spouse, child or stepchild, parent or stepparent, sibling,
31 grandparent, or grandchild;

32 (b) a peace officer;

33 (c) a judge; and

34 (d) a trustee or prisoner incarcerated in any jail, correctional facility, or other facility used
35 for the incarceration of persons.

36 (3) A bail bond agent may not:

37 (a) sign or countersign in blank any bail bond; or

38 (b) give the power of attorney to, or otherwise authorize anyone to, countersign in the bail
39 bond agent's name to a bail bond.

40 (4) A bail bond agent may not advertise or hold himself out to be a bail bond surety.

41 (5) The following persons or members of their immediate families may not solicit business
42 on behalf of a bail bond surety or bail bond agent:

43 (a) a person employed at any jail, correctional facility, or other facility used for the
44 incarceration of persons;

45 (b) a peace officer;

46 (c) a judge; and

47 (d) a trustee or prisoner incarcerated in any jail, correctional facility, or other facility used
48 for the incarceration of persons.

Legislative Review Note

as of 2-6-01 9:00 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel