

**BAIL BOND AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Kerry W. Gibson**

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**LONG TITLE**

**General Description:**

This bill enacts the Joint Bail Bond Commission Act and makes conforming amendments.

**Highlighted Provisions:**

This bill:

- ▶ enacts the Joint Bail Bond Commission Act which creates the commission within the Department of Insurance and sets out the duties of the commission and the department;
- ▶ establishes a fee to be collected at the jail on each bail bond written by a bail bond surety and directs the disposition of that fee; and
- ▶ directs a portion of that fee to the Departments of Insurance and Public Safety for paying the costs of the commission and for investigating and resolving bail bond complaints and conducting administrative investigations.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**31A-2-401**, Utah Code Annotated 1953

**31A-2-402**, Utah Code Annotated 1953



28 31A-2-403, Utah Code Annotated 1953

29 31A-2-404, Utah Code Annotated 1953

30 31A-2-405, Utah Code Annotated 1953

31 **Uncodified Material Affected:**

32 ENACTS UNCODIFIED MATERIAL



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

35 Section 1. Section 31A-2-401 is enacted to read:

36 **Part 4. Joint Bail Bond Commission Act**

37 **31A-2-401. Title.**

38 This part is known as the "Joint Bail Bond Commission Act."

39 Section 2. Section 31A-2-402 is enacted to read:

40 **31A-2-402. Definitions.**

41 As used in this part:

42 (1) "Commission" means the Joint Bail Bond Commission created in Section  
43 31A-2-403.

44 (2) "Commissioner" or "insurance commissioner" means the insurance commissioner  
45 under Section 31A-2-102.

46 (3) "Department" means the Utah Insurance Department created in Title 31A,  
47 Insurance Code.

48 (4) "Utah Association of Professional Bondsmen and Agents" means the professional  
49 association of bail bond agencies and bail bond producers.

50 Section 3. Section 31A-2-403 is enacted to read:

51 **31A-2-403. Joint Bail Bond Commission created.**

52 (1) (a) There is created within the department the Joint Bail Bond Commission  
53 comprised of nine members:

54 (i) two members appointed by the Utah Association of Professional Bondsmen and  
55 Agents;

56 (ii) one member appointed by the Utah Sheriff's Association;

57 (iii) one member appointed by the Administrative Office of the Courts;

58 (iv) one member appointed by the Statewide Association of Public Attorneys;

59 (v) one member of the general public appointed by the department;

60 (vi) the commissioner of public safety or his designee;

61 (vii) the Utah attorney general or his designee; and

62 (viii) the insurance commissioner or his designee.

63 (2) (a) Except as required by Subsection (2)(b), commission members serve four-year  
64 terms.

65 (b) Notwithstanding the requirements of Subsection (2)(a), the members appointed to  
66 the commission from the following serve an initial term of two years in order to stagger the  
67 terms of membership:

68 (i) one member from the Utah Association of Professional Bondsmen and Agents;

69 (ii) the member from the Utah Sheriff's Association;

70 (iii) the member from the Statewide Association of Public Attorneys; and

71 (iv) the member from the general public.

72 (c) A commission member may be reappointed to more than one term.

73 (d) When a vacancy occurs in the membership for any reason, a replacement shall be  
74 appointed for the unexpired term.

75 (3) (a) Members of the commission receive no compensation or benefits for their  
76 services, but members of the commission who are not government employees may receive per  
77 diem and expenses incurred in the performance of the member's official duties at the rates  
78 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

79 (b) A member may decline to receive per diem and expenses for the member's service.

80 (4) Members of the commission shall annually select one member to serve as chair.

81 (5) The department shall provide staff services to the commission.

82 (6) (a) The commission shall meet at least quarterly.

83 (b) The chair may call additional meetings:

84 (i) at the chair's discretion; or

85 (ii) upon the written request of three or more commission members.

86 (7) (a) Five members of the commission constitute a quorum for the transaction of  
87 business.

88 (b) The action of a majority of the members when a quorum is present is the action of  
89 the commission.

90 Section 4. Section 31A-2-404 is enacted to read:

91 **31A-2-404. Duties of the Joint Bail Bond Commission.**

92 The commission shall:

93 (1) review current rules and statutes relating to bail and the business of bail bonds;

94 (2) research and study other issues relating to bail and the business of bail bonds;

95 (3) recommend changes relating to bail and the business of bail bonds to the

96 appropriate agency or to the Legislature;

97 (4) recommend to the Legislature appropriate allocation of the fees collected in Section

98 31A-2-405;

99 (5) coordinate the efforts of the organizations represented in resolving issues affecting

100 bail bond services; and

101 (6) perform other duties as provided in this title.

102 Section 5. Section 31A-2-405 is enacted to read:

103 **31A-2-405. Bail bond fee -- Disposition.**

104 (1) (a) Each bail bond written in this state by a bail bond surety is subject to a fee of

105 \$10.

106 (b) The fee shall be collected at the jail at the time the bail bond is given to the jail.

107 (c) The jail shall monthly:

108 (i) send \$3.25 of each fee to the department as dedicated credits;

109 (ii) send \$1.75 of each fee to the Department of Public Safety as dedicated credits; and

110 (iii) retain \$5 of each fee to assist in paying for costs of collecting and processing the

111 fee and providing bail services in the jail.

112 (2) (a) The department shall use the dedicated credits it receives under Subsection (1)

113 to:

114 (i) investigate and resolve bail bond complaints;

115 (ii) investigate violations of state law relating to bail bond licensees;

116 (iii) pay the administrative costs of the commission; and

117 (iv) employ investigators to conduct investigations required under this Subsection

118 (2)(a).

119 (b) The Department of Public Safety shall use the dedicated credits it receives under

120 Subsection (1) to:

- 121           (i) investigate and resolve bail bond enforcement agent complaints;
- 122           (ii) investigate violations of the state law pertaining to bail enforcement agent
- 123 licensees; and
- 124           (iii) employ investigators to conduct investigations required under this Subsection
- 125 (2)(b).
- 126           Section 6. **Legislative intent.**
- 127           It is the intent of the Legislature that:
- 128           (1) the Utah Insurance Department use the dedicated credit revenues it receives under
- 129 Section 31A-2-405 to pay the expenses of the board and to hire investigators; and
- 130           (2) the Department of Public Safety use the dedicated credit revenues it receives under
- 131 Section 31A-2-405 to hire investigators.

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**Legislative Review Note**  
as of 2-7-05 4:18 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

The bill will be implemented in the middle of the first fiscal year. It will generate about \$150,000 in Dedicated Credits with \$75,000 going to jails to cover the costs of collections and providing bail services, \$48,800 going to the Insurance Department for investigations, administrative costs, to pay for investigators, and \$26,300 to the Department of Public Safety for investigations and to employ investigators.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Dedicated Credits	\$150,100	\$300,000	\$150,100	\$300,000
<b>TOTAL</b>	<b>\$150,100</b>	<b>\$300,000</b>	<b>\$150,100</b>	<b>\$300,000</b>

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**Individual and Business Impact**

Persons needing bail bonds will pay an additional \$10 fee.

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