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MISSISSIPPI INSURANCE DEPARTMENT

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BAIL AGENTS - PROHIBITED ACTIVITIES

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The Mississippi Insurance Department ("MID") is issuing this Bulletin to bail agents writing bail bonds in this State advising them of certain prohibited activities.

Miss. Code Ann. § 83-39-27 provides that it is unlawful for a licensee to engage in certain activities. Specifically, Miss. Code Ann. § 83-39-27(b) provides: "*Pay a fee or rebate or give or promise to give anything of value to a jailer, policeman, peace officer, clerk, deputy clerk, any other employee of any court, district attorney or any of his employees or any person who has power to arrest or to hold any person in custody.*"

The MID has become aware that some bail agents are providing food and/or drink to jailers, clerks and other employees. It is the position of MID that the term "*anything of value*" includes providing food and/or drink to any person identified in Section 83-39-27(b). Any bail bondsmen who continues to provide food, drinks or anything of value to these persons will be in violation of Miss. Code Ann. § 83-39-27(b) and § 83-39-15(1)(d).

Pursuant to Miss. Code Ann. § 83-39-15, violations of Miss. Code Ann. § 83-39-27(b) and § 83-39-15(1)(d) may result in the bail agent, after notice and hearing, having their license to engage in the business of bail being denied, suspended, revoked or nonrenewed, and/or the issuance of an administrative fine in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation. These administrative penalties are in addition to criminal penalties that may be assessed under Miss. Code Ann. § 99-5-1.

The provisions contained within this Bulletin are effective immediately. If there are any questions concerning this Bulletin, please contact the Department at (601) 359-3569.


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