

SENATE BILL No. 599

By Committee on Judiciary

2-14

AN ACT concerning crimes, criminal procedure and punishment; relating to conditions of release; sureties; amending K.S.A. 22-2806 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 22-2806 is hereby amended to read as follows: 22-2806. (a) Every surety, except an insurance company authorized to transact business pursuant to subsection (d) of K.S.A. 40-1102, and amendments thereto, shall justify by affidavit ~~and may be required to describe in the affidavit the property by which such surety proposes to justify and the encumbrances thereon, the number and amount of other bonds and undertakings for bail entered into by such surety and remaining undischarged and all such surety's other liabilities. No bond shall be approved unless the surety appears to be qualified. The appearance bond and the sureties may be approved and accepted by a judge of the court where the action is pending or by the sheriff of the county. to the chief judge of the district court to which such surety is making application that such surety:~~

- (1) Is at least 21 years of age;
 - (2) is of good character and reputation;
 - (3) has not been previously convicted of, or pled guilty or nolo contendere to, a felony or misdemeanor involving moral turpitude;
 - (4) is a citizen of the United States;
 - (5) has been a bona fide resident of the state for at least one year;
 - (6) is actively engaged in the bail bond business; and
 - (7) has knowledge or experience, or has received instruction in the bail bond business.
- (b) The applicant shall apply in writing on forms prepared and supplied by the district court, and the judge may serve any interrogatories upon the applicant relating to qualifications, residence, prospective place of business and any other matters which in the opinion of the judge are deemed necessary or expedient in order to protect the public and ascertain the qualifications of the applicant. The judge may also conduct any reasonable inquiry or investigation of the applicant's fitness to be approved as a surety.
- (c) An applicant shall furnish to the court a license fee of \$250 with

1 *the application, a complete set of the applicant's fingerprints and two*
2 *recent credential size photographs of the applicant. The applicant's finger*
3 *prints shall be certified by a law enforcement officer. The applicant shall*
4 *provide an investigative fee of \$100 with which the court will conduct an*
5 *investigation of the applicant. All fees shall be nonrefundable.*

6 *(d) Failure of the applicant to secure approval of the court shall not*
7 *preclude an applicant from reapplying a second time, but the court shall*
8 *not consider the second application within three months subsequent to*
9 *the date upon which the court denied the last application.*

10 *(e) The applicant shall also submit to the court financial statements*
11 *prepared by an accounting firm or individual holding a permit to practice*
12 *public accounting in this state in accordance with generally accepted prin-*
13 *ciples of accounting procedures setting forth the total assets of the appli-*
14 *cant professional bondsman less liabilities and debts. Such documents*
15 *shall show that the applicant has a net worth of at least \$50,000. Such*
16 *statements shall be current as of the date not earlier than 90 days prior*
17 *to submission of the application. Such statement shall be attested to by*
18 *an unqualified opinion of the accountant.*

19 *(f) Applicants under this section shall make a deposit with the court,*
20 *which shall not be less than \$20,000. Such deposits shall be subject to all*
21 *laws, rules and regulations as deposits by domestic insurance companies*
22 *but in no instance shall the applicant bondsman write bonds which exceed*
23 *10 times the amount of deposit which such bondsman has submitted to*
24 *the court. If a bondsman exceeds such limitation, the bondsman shall be*
25 *notified by the court clerk by mail with return receipt requested that the*
26 *excess shall be reduced or the deposit increased within 10 days of notifi-*
27 *cation, or the license of the bondsman shall be suspended immediately*
28 *after the ten-day period, pending a hearing on the matter. The deposit*
29 *provided in this section shall constitute a reserve available to meet sums*
30 *due on forfeiture of any bonds or recognizance executed by such bonds-*
31 *man. Any deposit made by the applicant professional bondsman pursuant*
32 *to this section shall be released and returned by the court only upon*
33 *extinguishment of all liability on outstanding bonds. No release of deposits*
34 *to the professional bondsman shall be made by the court except on written*
35 *application and the written order of the presiding judge of the court. The*
36 *judge shall have no liability for any such release to a professional bonds-*
37 *man provided the release was made in good faith.*

38 *(g) The deposit provided in this section shall be held in safekeeping*
39 *by the county treasurer of the county in which application has been made*
40 *and shall be used only if a bondsman fails to pay an order and judgment*
41 *forfeiture after being properly notified or if the authority of the bondsman*
42 *has been revoked by the court. The deposit shall be held in the name of*
43 *the county treasurer and the bondsman. The bondsman shall execute an*

1 *assignment of the deposit to the treasurer for payment of unpaid bond*
2 *forfeitures.*

3 *(h) A statement advising the court as to the premium that will be*
4 *charged to the public shall accompany such application. If approved by*
5 *the court, the bondsman shall not exceed this premium. Any person who*
6 *violates the provisions of the subsection is guilty of a misdemeanor.*

7 *(i) Any applicant shall supply to the court proof of insurance, which*
8 *shows that such applicant is covered for liability and errors and omissions*
9 *insurance in the minimum amount of \$500,000. Any lapse of coverage*
10 *shall result in an immediate suspension of such applicant's ability to ex-*
11 *ecute bail bonds, and such applicant shall remain suspended until such*
12 *coverage has been reinstated and a hearing before the court has been*
13 *held.*

14 *(j) All licenses of professional bondsmen must be renewed every two*
15 *years within 60 days of the anniversary receiving the bondsman's last*
16 *approval to write. Failure to do so shall cause immediate suspension of*
17 *such bondsman's ability to perform.*

18 Sec. 2. K.S.A. 22-2806 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.

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