

MISSISSIPPI LEGISLATURE
2025 Regular Session
To: Judiciary B; State Affairs
By: Representative Keen

House Bill 1484

AN ACT TO CREATE THE MISSISSIPPI ILLEGAL ALIEN CERTIFIED BOUNTY HUNTER PROGRAM; TO PROVIDE DEFINITIONS FOR; TO AUTHORIZE BAIL BOND AGENTS AND SURETY AGENTS TO ENTER THE PROGRAM; TO CREATE THE CRIME OF ILLEGAL TRESPASS BY AN ILLEGAL ALIEN; TO BRING FORWARD SECTIONS 83-39-25, 83-39-29 AND 83-39-31, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR BAIL AGENTS AND PENALTIES FOR SKIPPING BAIL, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
MISSISSIPPI:

SECTION 1. (1) For purposes of this act, the following words shall have the meanings described herein :

(a) "Certified bounty hunter" means a person who:
(i) Possesses a valid unexpired license as a bail bond agent, general bail bond agent, or surety recovery agent; and (ii) Is certified under this act to find and detain illegal aliens in this state;

(b) "Department" means the Department Of Public Safety;

(c) "Illegal alien" means a person who is not lawfully present in the United States as defined and described under 8 USC Section 1101 et seq., as amended;

(d) "Life imprisonment" means imprisonment for the duration of a person's natural life;

(e) "Peace officer" means a duly certified law enforcement officer of a municipality, county, the state or a political subdivision of the state.

(2) A person commits the offense of trespass by an illegal alien if such person: (a) Is an illegal alien; (b) Knowingly enters this state and remains in this state; and (c) Is physically present in this state at the time a licensed bounty hunter or a peace officer apprehends such person.

(3) (a) The offense of trespass by an illegal alien under this section is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation, parole, conditional release, or release except by act of the Governor or the natural death of such person.

(b) The provisions of this section shall not apply if the federal government enters into a written agreement with the department to take such person into custody and, within twenty-four (24) hours of such person being committed to the custody of the federal government, deport such person.

(4) A person who commits the offense of trespass by an illegal alien shall be forever disqualified from: (a) Registering and voting in any election under the laws of this state; (b) Securing any certificate or registration or authority, permit, or license to drive under the laws of this state; (c) Applying for or receiving any state or local public benefit offered by this state or a political subdivision of this state; and (d) Becoming a legal resident of this state.

(5) Each person who is apprehended under this section shall provide a DNA sample under the same procedures for collecting a DNA sample described by law.

(6) (a) (i) The department shall develop and maintain an information system that operates at all times and provides various means to receive and maintain reports of violations of this act; (ii) The various means of receiving such reports shall include, but are not be limited to, a toll-free telephone hotline, email address, and online reporting portal. (iii) The department shall periodically publicize the hotline telephone number, email address, Internet website address, and any other means by which the department may receive such reports;

(b) A person who makes a report under this section may choose to remain anonymous until the person affirmatively consents to having the person's identity disclosed;

(c) The information system shall be staffed by sixty-five (65) off duty peace officers, retired peace officers, and any other peace officer deemed qualified by the department to staff the information system; and

(d) If an illegal alien is arrested and imprisoned under this section as a result of a report to the information system, the person who made the report shall be eligible to receive a reward of One Thousand Dollars (\$1,000.00) for providing such report; and

(7) (a) The department shall develop and implement the "Mississippi Illegal Alien Certified Bounty Hunter Program", which is hereby created to certify applicants to the program as certified bounty hunters for purposes of finding and detaining illegal aliens in this state under this section;

(b) The program shall be administered by the department under the following application and certification procedures:

(i) A person who possesses a valid unexpired license as a bail bond agent, general bail bond agent, or surety recovery agent under sections may apply to the department to be certified as a licensed bounty hunter;

(ii) The department shall accept applications filed in the manner established by rule and on a form prescribed by the department. A completed application shall contain: 1. The date the application was prepared; 2. The applicant's signature; 3. A copy of the person's valid unexpired license as a bail bond agent, general bail bond agent, or surety recovery agent under sections 4. A mailing address where the applicant can be contacted by the department for purposes of receiving first class mail, legal documents, and certified mail; 5. A telephone number or numbers where the applicant can be called by the department; and 6. Other information deemed necessary by the department; and

(c) Upon receipt of a completed application, the department may certify the applicant as a licensed bounty hunter. The term of certification shall be for four (4) years following the date of initial certification unless the applicant withdraws the certification or the department cancels the certification before such date. The department shall notify each licensed bounty hunter of the certification's expiration

and provide a renewal form to such licensed bounty hunter at least four (4) weeks before such expiration.

(8) (a) There is hereby created in the state treasury the "Mississippi Illegal Alien Certified Bounty Hunter Program Fund", which shall consist of monies appropriated by the general assembly. The State Treasurer shall be the custodian of the fund. The State Treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, monies in this fund shall be used solely to provide monies to the department for the implementation and administration of this section.

(b) Notwithstanding the provisions of this section to the contrary, any monies remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The State Treasurer shall invest monies in the fund in the same manner as other funds are invested. Any interest and monies earned on such investments shall be credited to the fund. The Mississippi Attorney General and the prosecuting attorney or circuit attorney of each county shall prosecute charges filed under this section. The department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in this section, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of.

SECTION 2. Section 83-39-25, Mississippi Code of 1972, is brought forward as follows:

83-39-25. (1) A professional bail agent or his agent shall charge and collect for his premium, commission, or fee an amount of ten percent (10%) of the amount of bail per bond posted by him, or One Hundred Dollars (\$100.00), whichever is greater, except on a bond on a defendant who is charged with a capital offense, or on a defendant who resides outside the State of Mississippi, in which case the premium, commission or fee shall be fifteen percent (15%) of the amount of bail, per bond posted by him, or One Hundred Dollars (\$100.00), whichever is greater.

(2) A professional bail agent or his agent shall also charge an additional Fifty Dollars (\$50.00) processing fee on each bond issued by him.

(3) Nothing herein shall prohibit a professional bail agent or his agent from holding collateral or taking a security interest in collateral for the purpose of insuring the payment of the premium of the bond posted or indemnifying the professional bail agent for losses incurred due to a forfeiture of a bond or the costs of apprehension and surrender of the principal.

(4) Any fee charged by a professional bail agent or his agent for court-approved electronic monitoring or drug testing shall not be considered part of the premium, commission or fee charged under this section.

SECTION 3. Section 83-39-29, Mississippi Code of 1972, is brought forward as follows:

83-39-29. (1) The department may provide information to the district attorney in the district in which a professional bail agent, a soliciting bail agent or bail enforcement agent is domiciled so that proper legal action may be pursued against any licensee who is alleged to have violated any provision of Chapter 39, Title 83. Such licensee is guilty of a misdemeanor and shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both. Any insurer violating any provision of Chapter 39, Title 83 may be fined in an amount not to exceed Fifty Thousand Dollars (\$50,000.00).

(2) Any person or entity who acts or attempts to solicit, write or present a bail bond as a professional bail agent, soliciting bail agent, or bail enforcement agent as defined in this chapter and who is not licensed under this chapter is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both.

(3) Any person who acts or attempts to act, represents himself to be, or impersonates a professional bail agent, a soliciting bail agent or a bail enforcement agent as defined in this chapter by attempting to arrest or detaining any person, and who is not licensed under this chapter, is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00), imprisonment for not more than one (1) year, or both.

(4) A bail agent, bail enforcement agent or bail enforcement agent from another state shall report to the sheriff's department of the county in which he is attempting to locate a fugitive prior to beginning to look for the fugitive to prove his licensing and legal right to the fugitive. Failure to prove licensing shall be an offense punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

(5) Any person charged with a criminal violation who has obtained his release from custody by having a professional bail agent, insurer, agent of a bail agent or insurer, or any person other than himself furnish his bail bond and who fails to appear in court, at the time and place ordered by the court, is guilty of "bond jumping" and, upon conviction, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both, and payment of restitution for reasonable expenses incurred returning the defendant to court.

(6) Any person who knowingly and intentionally aids and abets any person in the commission of the offense of bond jumping, whether the person committing the principal offense is actually convicted, shall be guilty of aiding and abetting bond jumping and, upon conviction, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than one (1) year, or both, and payment of restitution for reasonable expenses incurred in returning the defendant to court. Any person who is convicted of aiding and abetting shall be jointly and severally liable for

payment of restitution for reasonable expenses incurred in returning the defendant to court.

(7) Any bail agent who is prejudiced or injured by the commission of any of the offenses set forth in this section shall have standing to file a complaint alleging the commission of the offense or offenses.

SECTION 4. Section 83-39-31, Mississippi Code of 1972, is brought forward as follows:

83-39-31. (1) Upon every defendant charged with a criminal offense who posts a cash bail bond, a surety bail bond, a property bail bond or a guaranteed arrest bond certificate conditioned for his appearance at trial, there is imposed a fee equal to two percent (2%) of the face value of each bond or Twenty Dollars (\$20.00), whichever is greater, to be collected by the clerk of the court when the defendant appears in court for final adjudication or at the time the defendant posts cash bond unless subsection (4) applies.

(2) Upon each defendant charged with a criminal offense who is released on his own recognizance, who deposits his driver's license in lieu of bail, or who is released after arrest on written promise to appear, there is imposed a fee of Twenty Dollars (\$20.00) to be collected by the clerk of the court when the defendant appears in court for final adjudication unless subsection (4) applies.

(3) Upon each defendant convicted of a criminal offense who appeals his conviction and posts a bond conditioned for his appearance, there is imposed a fee equal to two percent (2%) of

the face value of each bond or Twenty Dollars (\$20.00), whichever is greater. If such defendant is released on his own recognizance pending his appeal, there is imposed a fee of Twenty Dollars (\$20.00). The fee imposed by this subsection shall be imposed and shall be collected by the clerk of the court when the defendant posts a bond unless subsection (4) applies.

(4) If a defendant is found to be not guilty or if the charges against a defendant are dismissed, or if the prosecutor enters a nolle prosequi in the defendant's case or retires the defendant's case to the file, or if the defendant's conviction is reversed on appeal, no fees shall be imposed.

(5) The State Auditor shall establish by regulation procedures providing for the timely collection, deposit, accounting and, where applicable, refund of the fees imposed by this section. The Auditor shall provide in the regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which the defendant is entitled to a refund.

(6) It shall be the duty of the clerk or any officer of the court authorized to take bonds or recognizances to promptly collect, at the time such bonds or recognizances are received or taken, all fees imposed pursuant to this section. In all cases, the clerk or officer of the court shall deposit all fees so collected with the State Treasurer, pursuant to appropriate

procedures established by the State Auditor, for deposit into the State General Fund.

(7) In addition to the fees imposed by this section, there shall be an assessment of Ten Dollars (\$10.00) imposed upon every criminal defendant charged with a criminal offense who posts a cash bail bond, a surety bail bond, a property bail bond or a guaranteed arrest bond to be collected by the clerk of the court and deposited in the Victims of Domestic Violence Fund created by Section 93-21-117, unless subsection (4) applies.

SECTION 5. This act shall take effect and be in force from and after July 1, 2025.
