

HOUSE BILL No. 2713

By Committee on Corrections and Juvenile Justice

2-7

1 AN ACT concerning bail enforcement agents; relating to continuing
2 education; the attorney general; amending K.S.A. 2017 Supp. 22-2809b
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2017 Supp. 22-2809b is hereby amended to read as
7 follows: 22-2809b. (a) As used in this section:

8 (1) "Compensated surety" means any person who or entity that is
9 organized under the laws of the state of Kansas that, as surety, issues
10 appearance bonds for compensation, is responsible for any forfeiture and is
11 liable for appearance bonds written by such person's or entity's authorized
12 agents. A compensated surety is either an insurance agent surety or a
13 property surety.

14 (2) "Insurance agent surety" means a compensated surety licensed by
15 the insurance commissioner to issue surety bonds or appearance bonds in
16 this state and who represents an authorized insurance company. An
17 insurance agent surety may have other insurance agent sureties working
18 with or for such surety.

19 (3) "Property surety" means a compensated surety who secures
20 appearance bonds by property pledged as security. A property surety may
21 be a person or entity, other than a corporation, and may authorize bail
22 agents to act on behalf of the property surety in writing appearance bonds.

23 (4) "Bail agent" means a person authorized by a compensated surety
24 to execute surety bail bonds on such surety's behalf.

25 (b) Every compensated surety shall submit an application to the chief
26 judge of the judicial district, or the chief judge's designee, in each judicial
27 district where such surety seeks to act as a surety. A compensated surety
28 shall not act as a surety in such judicial district prior to approval of such
29 application.

30 (1) The application shall include, but is not limited to, the following
31 information for each insurance agent surety, property surety or bail agent:

32 (A) A copy of the applicant's Kansas driver's license or nondriver's
33 identification card;

34 (B) a statement, made under penalty of perjury, that the applicant is a
35 resident of this state and is not prohibited by K.S.A. 22-2809a(c), and
36 amendments thereto, from acting as a surety;

1 (C) a certificate of continuing education compliance in accordance
2 with subsection (f).

3 (2) The application for each insurance agent surety also shall include:

4 (A) A copy of the qualifying power of attorney certificates issued to
5 such surety by any insurance company;

6 (B) a current and valid certificate of license from the insurance
7 department; and

8 (C) a current and valid certificate of authority from the insurance
9 department.

10 (3) The application for each property surety also shall include:

11 (A) A list of all bail agents authorized by such property surety to
12 write appearance bonds on such property surety's behalf and all
13 documentation from such bail agents demonstrating compliance with
14 subsection (b)(1); and

15 (B) an affidavit describing the property by which such property surety
16 proposes to justify its obligations and the encumbrances thereon, and all
17 such surety's other liabilities. The description shall include a valuation of
18 the property described therein. If the valuation is not readily evident, an
19 appraisal of the property may be required and, if required, shall be
20 incorporated into the affidavit.

21 (c) A property surety authorized to act as a surety in a judicial district
22 pursuant to subsection (b) shall be allowed outstanding appearance bonds
23 not to exceed an aggregate amount which is 15 times the valuation of the
24 property described in subsection (b)(3). Such property surety shall not
25 write any single appearance bond that exceeds 35% of the total valuation
26 of the property described in subsection (b)(3).

27 (d) (1) Each judicial district may, by local rule, require additional
28 information from any compensated surety and establish what property is
29 acceptable for bonding purposes under subsection (b)(3).

30 (2) A judicial district shall not require any compensated surety to
31 apply for authorization in such judicial district more than once per year,
32 but may require additional reporting from any compensated surety in its
33 discretion. If the judicial district does not require an annual application,
34 each compensated surety or bail agent shall provide a certificate of
35 continuing education compliance in accordance with subsection (f) to the
36 judicial district each year.

37 (3) A judicial district shall not decline authorization for a
38 compensated surety solely on the basis of type of compensated surety.

39 (e) (1) Nothing in this section shall be construed to require the chief
40 judge of the judicial district, or the chief judge's designee, to authorize any
41 compensated surety to act as a surety in such judicial district if the judge
42 or designee finds, in such person's discretion, that such authorization is not
43 warranted.

1 (2) If such authorization is granted, the chief judge of the judicial
2 district, or the chief judge's designee, may terminate or suspend the
3 authorization at any time.

4 (A) If the authorization is suspended for 30 days or more, the judge
5 or designee shall make a record describing the length of the suspension
6 and the underlying cause and provide such record to the surety. Such
7 surety, upon request, shall be entitled to a hearing within 30 days after the
8 suspension is ordered.

9 (B) If the authorization is terminated, the judge or designee shall
10 make a record describing the underlying cause and provide such record to
11 the surety. Such surety, upon request, shall be entitled to a hearing within
12 30 days after the termination is ordered.

13 (3) If an authorized compensated surety does not comply with the
14 continuing education requirements in subsection (f), the chief judge of the
15 judicial district, or the chief judge's designee, may allow a conditional
16 authorization to continue acting as a surety for 90 days. If such
17 compensated surety does not comply with the continuing education
18 requirements in subsection (f) within 90 days, such conditional
19 authorization shall be terminated and such compensated surety shall not
20 act as a surety in such judicial district.

21 (f) (1) Every compensated surety shall obtain at least eight hours of
22 continuing education credits during each 12-month period beginning on
23 January 1, 2017.

24 (2) ~~The Kansas bail agents association~~ *attorney general* shall either
25 provide or contract for a minimum of eight hours of continuing education
26 classes to be held at least once annually in each congressional district and
27 may provide additional classes in its discretion. The chief judge in each
28 judicial district may provide a list of topics to be covered during the
29 continuing education classes. A schedule of such classes shall be publicly
30 available. ~~The association~~ *attorney general* shall not charge more than
31 \$250 annually for the eight hours of continuing education classes, and the
32 cost of any class with less than eight hours of continuing education shall
33 be prorated accordingly. Any fee charged for attending continuing
34 education classes shall not be increased or decreased based upon a
35 compensated surety's membership or lack of membership in the *Kansas*
36 *bail agents* association.

37 (3) Upon completion of at least eight hours of continuing education
38 credits during each 12-month period by a compensated surety, ~~the Kansas~~
39 ~~bail agents association~~ *attorney general* shall issue a certificate of
40 continuing education compliance to such surety. The certificate shall be
41 prepared and delivered to the compensated surety within 30 days of such
42 surety's completion of the continuing education requirements. The
43 certificate shall show in detail the dates and hours of each course attended,

1 along with the signature of the ~~Kansas bail agents association official~~
2 *attorney general* attesting that all continuing education requirements have
3 been completed.

4 (4) Any continuing education credits used to comply with conditional
5 authorization pursuant to subsection (e)(3) shall not be applied towards
6 compliance in the current 12-month period or any subsequent 12-month
7 period.

8 ~~(5) A person operating as a sufficient surety or bail bondsman in the~~
9 ~~state immediately prior to the effective date of this act shall be deemed to~~
10 ~~be compensated surety under this act and shall be exempt from the~~
11 ~~continuing education requirements for a conditional authorization pursuant~~
12 ~~to this section until July 1, 2017.~~

13 Sec. 2. K.S.A. 2017 Supp. 22-2809b is hereby repealed.

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