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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 14, 2024
Subject: Bill Brief on HB 2755

HB 2755 requires compensated sureties who post bond in municipal court to comply with certain requirements, requires a minimum bond premium in district court and provides reasons for suspending or terminating authorization of a compensated surety.

Section 1 amends K.S.A. 12-4301 relating to appearance bonds in municipal court. Current law in subsection (a) requires the municipal judge to set an amount for an appearance bond. This bill requires the amount to be the same regardless of the method used to secure the appearance of the accused person. Subsection (b) lists the available methods of securing the appearance of an accused person, and this bill would add the execution of an appearance bond by a compensated surety to those available methods.

Section 2 amends K.S.A. 22-2809b relating to requirements for compensated sureties. The bill changes the definition of “compensated surety” to only apply if the surety posts bail for four or more persons in a calendar year. The bill also adds a definition of “appearance bond premium” which means the fee charged by a compensated surety for posting an appearance bond. A new subsection (b)(4) is added to provide that the chief judge in a judicial district may require a compensated surety to submit to a state and national criminal history record check as part of an initial or continued authorization in the judicial district. Subsection (c) is amended to clarify that the current law requirement that property sureties shall not be allowed outstanding appearance bonds that exceed an aggregate amount which is 15 times the valuation of the property described only applies to outstanding appearance bonds in the state of Kansas.

Subsection (d) is added to provide that a compensated surety is required to (1) charge a minimum appearance bond premium of 10% of the face amount of the appearance bond, (2) only post a bond after the surety has received at least half of the required minimum appearance bond

premium in U.S. currency, a check, credit or debit card transaction or a bank or wire transfer, and (3) be physically present when the bond is posted and sign the bond at the jail. Subsection (d)(2) provides that a compensated surety may enter into a premium financing agreement for any appearance bond premium amount that exceeds 10% of the face amount of the appearance bond.

Subsection (f) is amended to provide a non-exhaustive list of reasons for terminating or suspending a compensated surety's authorization in a judicial district. These reasons include (1) filing a false statement with the court, (2) soliciting appearance bond services at a jail, (3) failing to charge the minimum appearance bond premium, (4) paying a fee or rebate to those who have the power to arrest a person to secure a settlement, compromise, remission or reduction of the amount of an appearance bond, (5) paying a fee or rebate for information relating to the apprehension of fugitives to an inmate in exchange for a business referral, (6) requiring or accepting a thing of value from a principal other than an appearance bond premium, (7) intentionally failing to promptly return collateral to the principal when the principal is entitled to return of the property, (8) knowingly employing a person who has been convicted of a felony unless the conviction has been expunged, or (9) failing to pay any forfeiture judgment within 30 days of the filing of the journal entry of judgment. A provision is added to allow the judge or judge's designee to investigate claims of violations. If the chief judge makes a finding that a violation has occurred, the chief judge may suspend or terminate the authorization of the compensated surety.

Subsection (g) related to continuing education is amended to change the cap on the fee charged for continuing education by the Kansas bail agents association from \$250 to \$300 annually for the eight hours of required continuing education classes, and it provides that the cost of any class with less than eight hours of continuing education may be prorated.