Session of 2025

SENATE BILL No. 244

By Committee on Judiciary

2-6

AN ACT concerning release prior to trial; minimum appearance bond premium; prohibiting a compensated surety from making a loan for certain portions of the minimum appearance bond premium required; amending K.S.A. 2024 Supp. 22-2809b and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 22-2809b is hereby amended to read as follows: 22-2809b. (a) As used in this section:

(1) "Compensated surety" means any person who or entity that is organized under the laws of the state of Kansas that, as surety, issues appearance bonds for compensation, posts bail for four or more persons in a calendar year, is responsible for any forfeiture and is liable for appearance bonds written by such person's or entity's authorized agents. A "compensated surety" is either an insurance agent surety, a property surety or a bail agent.

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

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

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

(5) "Appearance bond premium" means the fee charged by a compensated surety for posting an appearance bond.

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

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

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

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

(C) a certificate of continuing education compliance in accordance with subsection (g).

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

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

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

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

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

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

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

(4) The chief judge of the judicial district may require, as a qualification for initial or continued authorization in the judicial district, a compensated surety to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The chief judge or the chief judge's designee is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The chief judge or the chief judge's designee may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for authorization in the judicial district. Disclosure or use of any information received by the chief judge or the chief judge's designee for any purpose other than the purposes provided for in this paragraph shall be a class A nonperson misdemeanor. The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check, and the individual seeking initial or continued

authorization under this section shall pay the costs of fingerprinting and the state and national criminal history record check.

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

(d) (1) A compensated surety shall:

(A) Charge a minimum appearance bond premium of 10% of the face amount of the appearance bond;

(B) only post a bond after the compensated surety has received at least $^1/_2$ of the required minimum appearance bond premium in one of the following forms:

(i) Currency of the United States paid to the compensated surety prior to the execution of an appearance bond;

(ii) a check delivered to a compensated surety that shall be properly payable when delivered and promptly deposited in the compensated surety's bank account;

(iii) a credit or debit card transaction if the compensated surety obtains authorization from the card issuer for the amount due and an approval number from the card issuer; or

(iv) a bank or wire transfer or other electronic funds transfer including, but not limited to, peer-to-peer transfer, if such transfer occurs prior to the execution of the appearance bond; and

(C) be physically present when the bond is posted and sign the bond at the jail.

(2) A compensated surety shall enter into a premium financing agreement for any unpaid minimum appearance bond premium amount. *A compensated surety shall not provide a loan for the portion of the minimum appearance bond premium required by subsection (d)(1)(B). Any loan obtained for the purpose of paying the portion of a minimum appearance bond premium required by subsection (d)(1)(B) shall be obtained from a financial institution that is properly licensed in the state of Kansas. A compensated surety shall not be an owner, in whole or in part, or in any way affiliated with any financial institution making loans for the portion of the minimum appearance bond premium required by subsection (d)(1)(B).*

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

(2) A judicial district shall not require any compensated surety to apply for authorization in such judicial district more than once per year,

but may require additional reporting from any compensated surety in its discretion. If the judicial district does not require an annual application, each compensated surety or bail agent shall provide a certificate of continuing education compliance in accordance with subsection (g) to the judicial district each year.

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

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

(2) (A) If such authorization is granted, the chief judge of the judicial district, or the chief judge's designee, may terminate or suspend the authorization at any time. Reasons for terminating or suspending such authorization include, but are not limited to:

(i) Filing false statements with the court;

(ii) failing to charge the minimum appearance bond premium as required by this section;

(iii) paying a fee or rebate or giving or promising anything of value to a jailer, law enforcement officer, any person who has the power to arrest or hold a person in custody or any public official or employee in order to secure a settlement, compromise, remission or reduction of the amount of any appearance bond, forfeiture or estreatment, or to secure or delay an appearance bond;

(iv) paying a fee or rebate or giving or promising anything of value, other than reward payments for information relating to the apprehension of fugitives, to an inmate in exchange for a business referral;

(v) requiring or accepting anything of value from a principal other than the appearance bond premium, except that the compensated surety may accept collateral security or other indemnity to secure the face amount of the bond;

(vi) intentionally failing to promptly return collateral security to the principal when the principal is entitled to return of such security;

(vii) knowingly employing or otherwise compensating for any appearance bond related work, any person who has been convicted of a felony unless such conviction has been expunged, other than reward payments for information relating to the apprehension of fugitives; or

(viii) failing to pay any forfeiture judgment within 30 days of the filing of the journal entry of judgment.

(B) The judge or the judge's desginee may investigate claims of violations described in subparagraph (A). 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.

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

(D) If the authorization is terminated, the chief judge shall make a record describing the underlying cause and provide such record to the surety. Such surety, upon request, shall be entitled to a hearing within 30 days after the termination is ordered.

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

(g) (1) Every compensated surety shall obtain at least eight hours of continuing education credits during each 12-month period.

(2) The Kansas bail agents association shall either provide or contract for a minimum of eight hours of continuing education classes to be held at least once annually in each congressional district and may provide additional classes in its discretion. The chief judge in each judicial district may provide a list of topics to be covered during the continuing education classes. A schedule of such classes shall be publicly available. The association shall not charge more than $300 annually for the eight hours of continuing education classes, and the cost of any class with less than eight hours of continuing education may be prorated accordingly. Any fee charged for attending continuing education classes shall not be increased or decreased based upon a compensated surety's membership or lack of membership in the association.

(3) Upon completion of at least eight hours of continuing education credits during each 12-month period by a compensated surety, the Kansas bail agents association shall issue a certificate of continuing education compliance to such surety. The certificate shall be prepared and delivered to the compensated surety within 30 days of such surety's completion of the continuing education requirements. The certificate shall show in detail the dates and hours of each course attended, along with the signature of the Kansas bail agents association official attesting that all continuing education requirements have been completed.

(4) Any continuing education credits used to comply with conditional authorization pursuant to subsection (f)(3) shall not be applied towards

compliance in the current 12-month period or any subsequent 12-month period.

Sec. 2. K.S.A. 2024 Supp. 22-2809b is hereby repealed.

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