



# House of Representatives

General Assembly

**File No. 630**

January Session, 2005

Substitute House Bill No. 6975

*House of Representatives, May 2, 2005*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING FORFEITED BAIL BONDS, THE COLLECTION OF UNPAID FEES AND FUNERAL SERVICE CONTRACTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-279b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The Chief State's Attorney shall establish a racketeering and  
4 continuing criminal activities unit within the Division of Criminal  
5 Justice. Such unit shall be available for the investigation and  
6 prosecution of criminal matters including, but not limited to, the illegal  
7 purchase and sale of controlled substances, criminal activity by gangs,  
8 fraud, corruption, illegal gambling and the recruitment of persons to  
9 carry out such illegal activities.

10 (b) The Chief State's Attorney shall establish a bond forfeiture unit  
11 within the Division of Criminal Justice. Such unit shall be responsible  
12 for the collection, in the name of the state, and by suit when necessary,

13 of all forfeited bonds payable to the state. [Such unit may compromise  
14 and settle forfeited bonds for less than the amount thereof without  
15 regard to the expiration of any stay of forfeiture.]

16 [(c) The Chief State's Attorney shall develop uniform standards for  
17 the compromise and settlement of forfeited bonds. Such standards  
18 shall be applied on a state-wide basis.]

19 (c) Whenever a court orders a bond forfeited, the Judicial Branch  
20 shall, in addition to the notice required pursuant to subdivision (2) of  
21 subsection (a) of section 54-65a, provide notice of such forfeiture and  
22 such information as deemed necessary for the collection of such  
23 forfeited bond to the Chief State's Attorney.

24 (d) The surety on a bond that has been ordered forfeited shall pay  
25 the total amount of such bond within thirty days after the expiration of  
26 the six-month stay of execution ordered pursuant to subdivision (3) of  
27 subsection (a) of section 54-65a, except that if payment is made within  
28 ten days after such expiration, such surety may pay ninety per cent of  
29 the amount of such bond.

30 (e) A forfeited bond that is not paid within thirty days after the  
31 expiration of the six-month stay of execution shall accrue interest at the  
32 rate of one per cent per month or any portion thereof.

33 (f) All payments of forfeited bonds shall be made to the Chief State's  
34 Attorney.

35 (g) Funds collected as forfeited bonds shall be allocated as follows:  
36 Fifteen per cent shall be allocated to the Chief State's Attorney for the  
37 purposes of the collection of forfeited bail bonds, the extradition of  
38 prisoners and related costs of prosecution; thirty-five per cent shall be  
39 allocated to the Department of Public Safety for purposes of the  
40 licensing of professional bondsmen and expanding the fugitive  
41 recovery unit; and fifty per cent shall be allocated to the General Fund.

42 (h) If the forfeited bond is not paid within thirty days after the  
43 expiration of the six-month stay of execution, the Chief State's

44 Attorney shall immediately notify, in writing, the Commissioner of  
45 Public Safety, if the surety on the bond was a professional bondsman,  
46 or the Insurance Commissioner, if the surety on the bond was an  
47 insurer and the bond was executed by a surety bail bond agent, for  
48 suspension action pursuant to section 29-147a, as amended by this act,  
49 or section 38a-660, as amended by this act, as the case may be.

50 Sec. 2. Section 29-147a of the general statutes is repealed and the  
51 following is substituted in lieu thereof (*Effective July 1, 2005*):

52 (a) The Commissioner of Public Safety [may] shall immediately  
53 suspend any license issued under the provisions of this chapter of any  
54 professional bondsman when [he] the commissioner finds that such  
55 [surety] bondsman has failed to pay a forfeited bond within thirty days  
56 after the expiration of the six-month stay of execution ordered  
57 pursuant to subdivision (3) of subsection (a) of section 54-65a. Such  
58 license shall remain so suspended and shall not be reinstated nor shall  
59 any such license be issued to such [surety] bondsman until such  
60 person pays such forfeited bond. During such period of suspension,  
61 such bondsman shall not post any bond in this state.

62 (b) If a professional bondsman whose license is suspended pursuant  
63 to this section fails to pay such forfeited bond within six months from  
64 the date of such suspension, the commissioner shall revoke such  
65 license.

66 (c) The commissioner shall revoke any license issued under the  
67 provisions of this chapter of any professional bondsman when the  
68 commissioner finds a pattern of license suspensions for failure to pay a  
69 forfeited bond.

70 Sec. 3. Section 38a-660 of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective July 1, 2005*):

72 (a) As used in this section:

73 (1) "Commissioner" means the Insurance Commissioner;

74 (2) "Insurer" means any domestic, foreign or alien insurance  
75 company which has qualified generally to transact surety business in  
76 this state under the requirements of chapter 698 and specifically to  
77 transact bail bond business in this state;

78 (3) "Surety bail bond agent" means any person who has been  
79 approved by the commissioner and appointed by an insurer by power  
80 of attorney to execute or countersign bail bonds for the insurer in  
81 connection with judicial proceedings;

82 (4) "License" means a surety bail bond agent license issued by the  
83 commissioner to a qualified individual as provided in this section;

84 (5) "Solicit" includes any written or printed presentation or  
85 advertising made by mail or other publication, or any oral presentation  
86 or advertising in person or by means of telephone, radio or television  
87 which implies that an individual is licensed under this section, and any  
88 activity in arranging for bail which results in compensation to the  
89 individual conducting that activity;

90 (6) "Disqualifying offense" means: (A) A felony; or (B) a  
91 misdemeanor if an element of the offense involves dishonesty or  
92 misappropriation of money or property.

93 (b) An insurer shall not execute an undertaking of bail in this state  
94 except by and through a person holding a license issued as provided in  
95 this section.

96 (c) A person shall not in this state solicit or negotiate in respect to  
97 execution or delivery of an undertaking of bail or bail bond on behalf  
98 of an insurer, or execute or deliver such an undertaking of bail or bail  
99 bond on behalf of an insurer unless licensed as provided in this  
100 section. Any person who violates the provisions of this subsection shall  
101 be guilty of a class D felony.

102 (d) Only natural persons who are licensed under this section may  
103 execute bail bonds. A firm, partnership, association or corporation,  
104 desiring to execute an undertaking of bail in this state must do so by

105 and through a person holding a license issued as provided in this  
106 section.

107 (e) Any person desiring to act within this state as a surety bail bond  
108 agent shall make a written application to the commissioner for a  
109 license in such form and having such supporting documents as the  
110 commissioner prescribes. Each application shall be signed by the  
111 applicant and shall be accompanied by a nonrefundable filing fee as  
112 determined by the commissioner. The applicant must also submit with  
113 the application a complete set of the applicant's fingerprints, certified  
114 by an authorized law enforcement officer, and two recent credential-  
115 sized full-face photographs of the applicant. At the time of application,  
116 each applicant for a license shall forward a copy of the applicant's  
117 complete application and supporting documents to the bond forfeiture  
118 unit of the Office of the Chief State's Attorney.

119 (f) Every applicant for a license must file with the commissioner a  
120 notice of appointment executed by an insurer or its authorized  
121 representative authorizing such applicant to execute undertakings of  
122 bail and to solicit and negotiate such undertakings on its behalf. Each  
123 appointment shall, by its terms, continue in force until: (1) Termination  
124 of the surety bail bond agent's license; or (2) the filing of a notice of  
125 termination by the insurer or its representative or by such surety bail  
126 bond agent.

127 (g) An applicant for a license shall be required to appear in person  
128 and take a written examination testing the applicant's competency and  
129 qualifications to act as a surety bail bond agent. The commissioner  
130 may designate an independent testing service to prepare and  
131 administer such examination, provided any examination fees charged  
132 by such service shall be paid by the applicant. The commissioner shall  
133 collect the appropriate examination fee, which shall entitle the  
134 applicant to take the examination for the license, except when a testing  
135 service is used, the testing service shall pay such fee to the  
136 commissioner. In either case, such examination shall be as the  
137 commissioner prescribes and shall be of sufficient scope to test the

138 applicant's knowledge of subjects pertinent to the duties and  
139 responsibilities of a surety bail bond agent, including all laws and  
140 regulations of this state applicable thereto.

141 (h) In addition to all other requirements prescribed in this section,  
142 each applicant for a license shall furnish satisfactory evidence to the  
143 commissioner that: (1) The applicant is at least eighteen years of age;  
144 (2) the applicant is a citizen of the United States; and (3) the applicant  
145 has never been convicted of a felony or any misdemeanor under  
146 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173,  
147 53a-175, 53a-176, 53a-178 or 53a-181d. The commissioner shall require  
148 each applicant to submit to a background investigation, including an  
149 investigation of any prior criminal activity, to be conducted by the  
150 Division of Criminal Justice. The Division of Criminal Justice shall  
151 require each applicant to submit to state and national criminal history  
152 records checks. Such criminal history records checks shall be  
153 conducted in accordance with section 29-17a.

154 (i) Upon satisfying himself that an applicant meets the licensing  
155 requirements of this state and is in all respects properly qualified and  
156 trustworthy and that the granting of such license is not against the  
157 public interest, the commissioner may issue to such applicant the  
158 license applied for, in such form as he may adopt, to act within this  
159 state to the extent therein specified.

160 (j) The commissioner may adopt regulations in accordance with the  
161 provisions of chapter 54 relating to the approval of schools offering  
162 courses in the duties and responsibilities of surety bail bond agents,  
163 the content of such courses and the advertising to the public of the  
164 services of these schools.

165 (k) To further the enforcement of this section and to determine the  
166 eligibility of any licensee, the commissioner may, as often as he deems  
167 necessary, examine the books and records of any such licensee.

168 (l) A license may, in the discretion of the commissioner, be renewed  
169 or continued upon payment of the appropriate fee as the commissioner

170 deems necessary without the resubmittal of the detailed information  
171 required in the original application.

172 (m) The commissioner shall adopt regulations in accordance with  
173 the provisions of chapter 54 to implement subsections (a) to (l),  
174 inclusive, of this section.

175 (n) (1) The commissioner shall immediately suspend any license  
176 issued under the provisions of this section of any surety bail bond  
177 agent when the commissioner finds that such surety bail bond agent  
178 has engaged in misconduct that has contributed to the failure of an  
179 insurer to pay a forfeited bond within thirty days after the expiration  
180 of the six-month stay of execution ordered pursuant to subdivision (3)  
181 of subsection (a) of section 54-65a. During such period of suspension,  
182 such surety bail bond agent shall not post any bond in this state.

183 (2) The commissioner shall revoke the license of a surety bail bond  
184 agent if the commissioner determines that such surety bail bond agent  
185 has engaged in a pattern of misconduct that has contributed to the  
186 failure of an insurer to pay a forfeited bond.

187 (o) (1) The commissioner shall immediately suspend the license of  
188 any insurer when the commissioner finds that such insurer has failed  
189 to pay a forfeited bond within thirty days after the expiration of the  
190 six-month stay of execution ordered pursuant to subdivision (3) of  
191 subsection (a) of section 54-65a. Such license shall remain so  
192 suspended and shall not be reinstated nor shall any such license be  
193 issued to such insurer until such insurer pays such forfeited bond.  
194 During such period of suspension, such insurer shall not underwrite  
195 any surety bail bond in this state. If such insurer fails to pay such  
196 forfeited bond within six months from the date of such suspension, the  
197 commissioner shall revoke such license.

198 (2) The commissioner shall revoke the license of an insurer when the  
199 commissioner finds a pattern of license suspensions for failure to pay a  
200 forfeited bond.

201 (p) If the commissioner suspends the license of an insurer pursuant  
202 to subsection (o) of this section for failure to pay a forfeited bond, no  
203 surety bail bond agent shall post any surety bond as an agent of such  
204 insurer during such period of suspension.

205 [(n)] (q) Any individual aggrieved by the action of the commissioner  
206 in revoking, suspending or refusing to reissue a license or in imposing  
207 a fine or penalty may appeal therefrom, in accordance with the  
208 provisions of section 4-183, except venue for such appeal shall be in the  
209 judicial district of Hartford. Appeals under this section shall be  
210 privileged in respect to the order of trial assignment.

211 [(o)] (r) Nothing in this section shall be construed as limiting an  
212 individual's ability to operate as a professional bondsman in this state  
213 pursuant to chapter 533 provided such individual is in compliance  
214 with all requirements of said chapter.

215 Sec. 4. Section 51-286a of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective July 1, 2005*):

217 (a) Each state's attorney, assistant state's attorney and deputy  
218 assistant state's attorney shall diligently inquire after and make  
219 appropriate presentment and complaint to the Superior Court of all  
220 crimes and other criminal matters within the jurisdiction of the court  
221 or in which the court may proceed, whether committed before or after  
222 his appointment to office.

223 [(b)] Such state's attorneys shall collect, in the name of the state, and  
224 by suit when necessary, and may compromise and settle any fees  
225 imposed under the provisions of section 51-56a, any costs imposed  
226 under the provisions of section 54-143 or 54-143a and any surcharge  
227 imposed under the provisions of section 13b-70.]

228 [(c)] (b) Any such state's attorney may issue subpoenas for witnesses  
229 to be sworn before the court in criminal cases.

230 Sec. 5. Subsection (b) of section 14-140 of the general statutes is  
231 repealed and the following is substituted in lieu thereof (*Effective July*

232 1, 2005):

233 (b) If any person so arrested or summoned wilfully fails to appear  
234 for any scheduled court appearance at the time and place assigned, or  
235 if any person charged with an infraction involving the use of a motor  
236 vehicle, or with a motor vehicle violation specified in section 51-164n,  
237 fails to pay the fine and any additional fee imposed or send in his plea  
238 of not guilty by the answer date or wilfully fails to appear for any  
239 scheduled court appearance which may be required, or if any person  
240 fails to pay any surcharge imposed under section 13b-70, any fee  
241 imposed under section 51-56a or any cost imposed under section 54-  
242 143 or 54-143a, a report of such failure shall be sent to the  
243 commissioner by the court having jurisdiction. The provisions of this  
244 section shall be extended to any nonresident owner or operator of a  
245 motor vehicle residing in any state, the proper authorities of which  
246 agree with the commissioner to revoke, until personal appearance to  
247 answer the charge against him, his motor vehicle registration  
248 certificate or operator's license, upon his failure to appear for any  
249 scheduled court appearance. Any infractions or violations, for which a  
250 report of failure to appear has been sent to the commissioner under  
251 this subsection, that have not otherwise been disposed of shall be  
252 dismissed by operation of law seven years after such report was sent.

253 Sec. 6. Section 42-201 of the general statutes is repealed and the  
254 following is substituted in lieu thereof (*Effective October 1, 2005*):

255 No person, firm or corporation shall enter into a funeral service  
256 contract to provide such services, property or merchandise unless such  
257 person, firm or corporation is licensed in accordance with the  
258 provisions of chapter 385. No person may arrange, promote or sell any  
259 funeral service contract on behalf of a funeral service establishment  
260 unless such person is an embalmer or funeral director licensed in  
261 accordance with the provisions of chapter 385. Any person who  
262 violates the provisions of this section shall be guilty of a class A  
263 misdemeanor.

264 Sec. 7. (NEW) (*Effective October 1, 2005*) Any person who arranges,

265 promotes or sells a funeral service contract with the intent to defraud  
266 another person shall be guilty of a class D felony.

267 Sec. 8. (NEW) (*Effective October 1, 2005*) Any person who enters into  
268 a funeral service contract and intentionally deprives the beneficiary of  
269 such contract or the estate or heirs of such beneficiary of the services,  
270 personal property or merchandise contracted for shall be guilty of a  
271 class D felony.

272 Sec. 9. (NEW) (*Effective October 1, 2005*) Notwithstanding the  
273 provisions of section 54-193 of the general statutes, no person may be  
274 prosecuted for an offense under section 7 or 8 of this act except within  
275 five years from the date of death of the beneficiary of the funeral  
276 service contract or within five years from the date the victim notifies  
277 any police officer or state's attorney acting in such police officer's or  
278 state's attorney's official capacity of the commission of such offense,  
279 whichever is earlier.

280 Sec. 10. Section 42-200 of the general statutes is repealed and the  
281 following is substituted in lieu thereof (*Effective October 1, 2005*):

282 For the purposes of this section, [and] sections 42-201 to 42-206,  
283 inclusive, [a funeral service contract] and sections 7 to 9, inclusive, of  
284 this act, "funeral service contract" means a contract which requires the  
285 payment of money or the delivery of securities in exchange for the  
286 final disposition of a dead human body, including funeral, burial or  
287 other services, or the furnishing of personal property or funeral  
288 merchandise in connection with any such disposition, wherein the use  
289 or delivery of such services, property or merchandise is not required  
290 immediately.

|   |                     |         |
|---|---------------------|---------|
| This act shall take effect as follows and shall amend the following sections: |                     |         |
| Section 1   | <i>July 1, 2005</i> | 51-279b |
| Sec. 2  | <i>July 1, 2005</i> | 29-147a |
| Sec. 3  | <i>July 1, 2005</i> | 38a-660 |
| Sec. 4  | <i>July 1, 2005</i> | 51-286a |

|         |                        |             |
|---------|------------------------|-------------|
| Sec. 5  | <i>July 1, 2005</i>    | 14-140(b)   |
| Sec. 6  | <i>October 1, 2005</i> | 42-201      |
| Sec. 7  | <i>October 1, 2005</i> | New section |
| Sec. 8  | <i>October 1, 2005</i> | New section |
| Sec. 9  | <i>October 1, 2005</i> | New section |
| Sec. 10 | <i>October 1, 2005</i> | 42-200      |

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** See Below

**Municipal Impact:** None

**Summary**

The bill diverts \$2,250,000 in existing General Fund revenues each year to state agencies in order to enhance enforcement actions related to the bail bonds industry, including the collection of forfeited bonds. The bill also incurs General Fund costs of approximately \$350,000 annually to pay associated fringe benefits, and Transportation Fund costs of \$150,000 to suspend the drivers license of any person who fails to pay a surcharge, fee or cost imposed by the court.

The bill could generate up to \$5.1 million in unrestricted revenues annually, which would be allocated among the General Fund, Transportation Fund and Criminal Injuries Compensation Fund. The General Fund would receive over one half of these potential revenues, or more than \$2.6 million. The likelihood that these revenues will be achieved is uncertain.

**Explanation**

**Section 1** eliminates the statutory authorization of the Chief State's Attorney to negotiate any settlement of forfeited bonds for less than the amounts due. Instead, the bill requires that the surety on a bond that has been ordered forfeited to pay either the full amount due or ninety per cent of it (depending upon the timeliness of the payment). The bill provides for interest charges of one per cent per month for any forfeited bond that is not paid within thirty days after the expiration of the six-month stay of execution. These changes could enhance state revenue, provided enforcement mechanisms are in place to implement

them.

**Section 1** requires that all payments of forfeited surety bonds, which total about \$4.5 million annually under current law, be made to the Chief State's Attorney. **Section 1** provides that these revenues are to be allocated as follows: (1) fifteen per cent to the Chief State's Attorney (roughly \$675,000) to collect forfeited bail bonds, extradite prisoners and pay for costs related to prosecution; (2) thirty five per cent to the Department of Public Safety (approximately \$1,575,000) to continue licensing professional bondsmen and to expand its fugitive recovery unit; and (3) the remaining fifty per cent to the General Fund. These provisions intercept roughly \$2,250,000 in existing revenues annually from the resources of the General Fund.

The Division of Criminal Justice expects to hire four additional staff members, including two prosecutors, one paralegal and a secretary, to enhance its collection of forfeited bail bonds under the bill. The annual cost to the agency to fill these positions and pay for their expenses would be approximately \$200,000, and would be covered by the bond forfeiture revenues that the bill diverts to the Division of Criminal Justice. The remaining amount, about \$475,000, would be available to the Division to pay for the extradition of prisoners and costs related to prosecution. Note that the cost of fringe benefits for the personnel listed above, which is about \$110,000 annually, would be borne by the statewide fringe benefits account within the Comptroller's agency.<sup>1</sup>

The Department of Public Safety would allocate approximately \$250,000 of the revenues diverted to it to under the bill to support the licensing and potential suspension and revocation actions provided for under **Section 2** of the bill. The remaining funds would be used to hire

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<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

nine additional state troopers to fully staff its fugitive recovery unit. The annual cost of these changes is approximately \$800,000. Associated fringe benefit costs would be about \$250,000.

**Sections 1, 2 and 3** also make various minor changes concerning notices of any forfeited bond that is not paid by a bondsman and subsequent suspension and revocation actions by state agencies, which have a minimal fiscal impact.

**Section 4** eliminates the obligation of the state's attorneys to collect outstanding surcharges, fees and costs imposed on people who commit infractions, violations, misdemeanors or felonies. Instead, the Department of Motor Vehicles would suspend the driver's license of any person who has failed to pay any surcharge, fee or cost imposed under various statutory sections. The DMV will require two additional staff at a cost of \$75,000 each, including fringe benefits, to investigate and determine which suspensions are valid on an individual basis. About \$3.7 million in surcharges, fees and costs are imposed annually, but not collected. It is unknown what percentage of this total could be recovered under the bill.

**Sections 6 through 10** criminalize certain activity related to funeral service contracts. It is anticipated that few offenses would be prosecuted each year and, consequently, any revenue gain from criminal fines under the bill would be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

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**OLR Bill Analysis**

sHB 6975

**AN ACT CONCERNING FORFEITED BAIL BONDS, THE COLLECTION OF UNPAID FEES AND FUNERAL SERVICE CONTRACTS****SUMMARY:**

This bill eliminates the authority of the chief state's attorney to set standards to compromise and settle forfeited bonds and instead (1) allows a surety to pay 90% of the bond's amount within 10 days of the end of the legally required six-month stay of execution on the bond, (2) requires full payment within 30 days of the end of the stay, and (3) charges monthly interest if it is not paid within the 30 days. The bill allocates funds collected from forfeited bonds between the chief state's attorney, Department of Public Safety (DPS), and the General Fund.

There are two types of bondsmen: professional bondsmen licensed by DPS and surety bail bond agents licensed by the Insurance Department. The bill requires both licensing authorities to suspend and revoke bondsman and insurer licenses for not paying forfeited bonds under certain circumstances.

The bill also creates three crimes related to funeral services contracts, making it a class A misdemeanor to violate the law regarding entering or arranging these contracts and making it a class D felony to (1) arrange or sell a contract with intent to defraud or (2) enter a contract intending to deprive the contract's beneficiary, the estate, or the beneficiary's heirs of the contract's services, personal property, or merchandise.

The bill eliminates a requirement that the chief state's attorney collect, compromise, and settle certain fees and charges and instead makes failure to pay them subject to a driver's license suspension procedure.

EFFECTIVE DATE: July 1, 2005, except for the provisions on funeral services contracts which are effective October 1, 2005.

**BAIL BONDS**

***Forfeited Bonds***

The law requires the chief state's attorney to establish a unit to collect forfeited bonds payable to the state. The bill eliminates his authority to set standards to compromise and settle forfeited bonds.

The bill instead requires:

1. the Judicial Branch to notify the chief state's attorney when a court orders a bond forfeited and provide information necessary for collection,
2. a surety on a forfeited bond to pay 90% of the amount of the bond within 10 days of the end of the six-month stay of execution that the law requires the court to order,
3. payment of the total amount of the bond within 30 days of the end of the stay,
4. interest to accrue at a rate of 1% per month or portion of a month when the bond is not paid within 30 days, and
5. payment to the chief state's attorney.

By law, if the person is returned within six months, the bond is terminated and the surety is released.

***Collected Funds***

The bill allocates funds collected from forfeited bonds as follows:

1. 15% to the chief state's attorney to collect forfeited bonds and extradite prisoners and for related prosecution costs,
2. 35% to DPS to license professional bondsmen and expand the fugitive recovery unit, and
3. 50% to the General Fund.

***Failure to Pay a Forfeited Bond***

When a forfeited bond is not paid within the 30 days of the end of the stay as required by the bill, the chief state's attorney must immediately notify in writing (1) the DPS commissioner if the surety was a professional bondsman or (2) the insurance commissioner if the surety was an insurer and the bond was executed by a surety bail bond agent.

**Professional Bondsman.** Under current law, the DPS commissioner may suspend a professional bondsman's license for failure to pay a forfeited bond. The bill instead requires an immediate suspension if a bond is not paid within 30 days of the end of the six-month stay. As under current law, the license is suspended until the bond is paid. The bill prohibits the bondsman from posting any bonds during the suspension. If the bondsman does not pay a bond within six months of the suspension, the bill requires DPS to revoke his license. The bill also allows DPS to revoke the license of a professional bondsman when there is a pattern of license suspensions for failure to pay a forfeited bond.

**Surety Bondsman.** The bill requires the insurance commissioner to immediately suspend a surety bail bond agent's license if he engaged in misconduct that contributed to the failure of an insurer to pay a forfeited bond within 30 days of the end of the six-month stay. The bill prohibits the bond agent from posting any bonds during the suspension. It also requires the commissioner to revoke an agent's license when there is a pattern of misconduct contributing to failure to pay a forfeited bond.

**Insurers.** By law, insurers can execute bail only through licensed surety bail bond agents. The bill requires the insurance commissioner to immediately suspend an insurer's license if the insurer fails to pay a forfeited bond within 30 days of the end of the stay and (1) the license cannot be reinstated or the insurer given a license until the bond is paid and (2) the insurer cannot underwrite any surety bail bonds during the suspension. The bill requires the commissioner to revoke a license if the insurer does not pay the bond within six months of the suspension or if there is a pattern of license suspensions for failing to pay forfeited bonds.

The bill prohibits surety bail bond agents from posting surety bonds for an insurer whose license is suspended under these provisions.

## **FUNERAL SERVICES CONTRACTS**

The law prohibits a person, firm, or corporation from entering a funeral services contract or arranging, promoting, or selling one on behalf of a funeral service establishment unless licensed as an embalmer or funeral director. The bill makes this a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both. Under current law, violations of these and other provisions on funeral service contracts are unfair or deceptive trade practices.

The bill also punishes (1) arranging, promoting, or selling a funeral services contract with intent to defraud and (2) entering a funeral services contract to intentionally deprive the contract's beneficiary, the estate, or the beneficiary's heirs of the services, personal property, or merchandise under the contract. The bill makes these crimes class D felonies, punishable by one to five years in prison, a fine of up to \$5,000, or both. The bill makes the statute of limitations for these two crimes the earlier of five years from the date the (1) contract's beneficiary dies or (2) the victim notifies a police officer or state's attorney, in their official capacity, of the crime. The statute of limitations that would otherwise apply is five years from the commission of the offense.

By law, a funeral service contract is a contract that requires payment of money or delivery of securities in exchange for the final disposition of a dead human body, which is not required immediately. It includes funeral, burial, other services, and furnishing personal property or funeral merchandise.

### **COLLECTING FEES**

The bill eliminates a requirement that the state's attorneys collect, compromise, and settle (1) fees imposed in addition to the fine or forfeiture for infractions and certain motor vehicle violations (such as speeding, driving under the influence, and weight restrictions); (2) costs imposed on prosecutions; (3) costs imposed for infractions and certain motor vehicle and other violations; and (4) Special Transportation Fund surcharges on fines, penalties, and other charges for certain motor vehicle offenses.

The bill instead requires the court to report to the motor vehicles commissioner when a person fails to pay one of these fees, costs, or

surcharges and requires the commissioner to revoke the person's motor vehicle registration and operator's license.

## **BACKGROUND**

### ***Related Bill***

sHB 6139 (File 252) contains a number of provisions related to surety bail agents including:

1. authorizing the insurance commissioner to penalize a surety bail bond agent who arranges for bail or a bail bond (a) for an insurer that has not appointed him to act on its behalf or (b) at a premium rate lower than the rates filed with the commissioner;
2. requiring a surety bail bond agent to give an insurer all bail bond premiums collected within 10 days of collecting them;
3. prohibiting the agent from receiving any compensation for executing bail bonds other than commissions paid by the insurer;
4. requiring insurers to notify the commissioner if an agent has not remitted bail bond premiums as required and allowing the commissioner to penalize insurers who do not comply; and
5. exempting certain bail bond payment plans from the prohibition against giving premium rebates, special favors, or other valuable consideration as an inducement to insurance.

### ***Bail Bondsmen***

There are two types of bondsmen in Connecticut: professional and surety. A professional bondsman is licensed by the Department of Public Safety, puts up his personal assets as bond security, and has complete personal liability for forfeited bonds. A surety bond agent is an independent agent under contract with an insurance company, has authority to execute or countersign bail bonds in criminal cases, and has limited personal liability for forfeited bonds. Surety bond agents are licensed by the insurance commissioner and appointed by an insurer to act on its behalf.

## **COMMITTEE ACTION**

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Judiciary Committee

Joint Favorable Substitute

Yea 40    Nay 0