

RAISED BILL NO. 6734 AN ACT CONCERNING SURETY BAIL BOND AGENT

Senator Crisco, Representative Megna and members of the Insurance and Real Estate Committee:

Good Afternoon. My name is Mary Anne Casey. I have been a licensed Surety Bail Bond Agent for over thirty years. I am here to speak about **Raised Bill 6734 An Act Concerning Surety Agents** and **Raised Bill #6766 An Act Requiring Continuing Education for Surety Bail Bond Agents**. Regarding **Raised Bill 6734** there are a few proposed changes that I am in favor of and a few that I am not.

I'd like to begin with the proposal to raise the mandatory minimum payment on a bail bond premium from 35% to 50%. I have never favored any type of payment plan and have testified against it many times. I am certainly in favor of raising the minimum to 50%. I firmly believe by allowing defendants to be released by only having to pay 35% of the premium, we encourage recidivism, we undermine the judicial authority that has set the bond and in cases of domestic violence, we are putting victims more at risk. Any increase in the statutory minimum would be a welcome change. I encourage you to do so.

In lines **14 & 15** of **Raised Bill 6734** a change from **shall** to **may** is being proposed. If I understand this correctly this would give a bail bond agent or their company the choice in whether to pursue civil action for non-payment of the balance of the premium owed. I will concede that the existing statute has problems. Presently, if a payment is sixty days in arrears of a payment due date we must file a civil action. Should a payment be made on the sixty first day, we still must take action in civil court or risk being found in violation of the existing statute. That particular issue should be addressed and rectified. But to give the agent or company the choice to pursue civil action only serves to legalize rebating. I know there are several companies that are spending a lot of resources filing small claims actions but I say to you that is poor underwriting. Those same companies fought hard for a 35% minimum and are now finding that the arguments made against it when it was first proposed has come to fruition. Success in collecting a debt owed is not high and failing to do so in our industry results in a bail bond premium being rebated.

Line 16 through 23 would allow a surety to apply to a judge of the Superior Court in writing to remand a defendant back into custody and be released of all financial obligations if a defendant has failed to pay the balance owed on the premium finance agreement. The application for release would occur after a diligent effort has been made to collect. I am adamantly opposed to using the power and authority of arrest as a tool to collect a civil debt. If the weak underwriting of a surety is such that a payment plan cannot be collected on, the fault lies with the surety for taking on the risk and not doing their due diligence. Defendants, more often than not, have no knowledge of what financial agreements indemnitors have entered into until after they are released from custody. To penalize them for something they had no control over is a grave injustice and should not be considered.

I support the automatic expiration of a license for failure to pay the \$450 Examination fee. I also support a mandated fund for audits.

**RAISED BILL NO. 6766 AN ACT REQUIRING CONTINUING EDUCATION FOR
SURETY BAIL BOND AGENTS**

I am in favor of Raised Bill No. 6766 **AN ACT REQUIRING CONTINUING EDUCATION FOR SURETY BAIL BOND AGENTS**. With the laws pertaining to bail bonds rapidly changing and new mandates in place, I believe the industry would benefit greatly by a continuing educational course. It would keep all agents up to date and knowledgeable on the laws pertaining to our industry.

Thank you for your time and attention to these very important matters.

Mary Anne Casey
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