

IC 27-10-4

Chapter 4. Prohibited Activities

IC 27-10-4-1

Financial interest in agencies; services during period of license suspension or revocation

Sec. 1. (a) No person may possess a financial interest in, be employed by, have an agency relationship with, or perform any services for a bail bond agency or insurer during the period of license suspension or revocation. No licensee under this article may accept any services from a person during the period of that person's license suspension or revocation.

(b) The commissioner shall immediately suspend under IC 27-10-3-8(a) an agent, agency, or insurer who violates this section.

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

As added by P.L.261-1985, SEC.1. Amended by P.L.29-1987, SEC.6; P.L.355-1989(ss), SEC.6.

IC 27-10-4-2

Advising employment of attorney; paying fees or rebates; acting as attorney; accepting property; soliciting business

Sec. 2. (a) A bail agent or recovery agent may not do any of the following:

(1) Suggest or advise the employment of or name for employment any particular attorney to represent the bail agent's principal.

(2) Pay a fee or rebate or give any property to an attorney in bail bond matters, except in defense of any action on a bond.

(3) Pay a fee or rebate or give or promise any property to the principal or anyone in the bail agent's behalf.

(4) Participate in the capacity of an attorney at a trial or hearing of one on whose bond the bail agent is surety.

(5) Accept any property from a principal except the premium, bail bond filing fee (when applicable), and transfer fee (when applicable), except that the bail agent or surety may accept collateral security or other indemnity from the principal that must be returned upon final termination of liability on the bond. The collateral security or other indemnity required by the bail agent or surety must be reasonable in relation to the amount of the bond.

(6) Solicit business in or about any place where prisoners are confined or in or near any courtroom.

(b) A person who recklessly violates this section or who operates as a bail agent or recovery agent without a valid license commits a Class A misdemeanor.

As added by P.L.261-1985, SEC.1. Amended by P.L.224-1993, SEC.26.

IC 27-10-4-3

Persons excluded as bail agent

Sec. 3. (a) The following persons may not be bail agents or receive any benefits from the execution of any bail bond:

- (1) Jailers.
- (2) Law enforcement officers.
- (3) Judges.
- (4) Persons having anything to do with the control of federal, state, county, or municipal prisoners.

(b) A person who recklessly violates this section commits a Class B misdemeanor.

As added by P.L.261-1985, SEC.1. Amended by P.L.224-1993, SEC.27.

IC 27-10-4-4

Blank bond; signature

Sec. 4. (a) A bail agent may not:

- (1) sign or countersign in blank any bond; or
- (2) give a power of attorney to or otherwise authorize anyone to countersign the bail agent's name to bonds unless the person who is authorized is a licensed bail agent directly employed by the bail agent giving the power of attorney.

(b) A person who recklessly violates this section commits a Class B misdemeanor.

As added by P.L.261-1985, SEC.1. Amended by P.L.224-1993, SEC.28.

IC 27-10-4-5

Failure of bail agent to collect full premium; penalty

Sec. 5. A bail agent who knowingly or intentionally executes a bail bond without collecting in full a premium for the bail bond, at the premium rate as filed with and approved by the commissioner, commits a Level 6 felony.

As added by P.L.261-1985, SEC.1. Amended by P.L.224-1993, SEC.29; P.L.158-2013, SEC.298.

IC 27-10-4-6

Payments for apprehension or surrender of defendants

Sec. 6. (a) A person may not give or receive anything of value in exchange for the apprehension or surrender of a defendant unless the payment is made:

- (1) to a law enforcement agency for actual expenses incurred in the apprehension or surrender, or both, of the defendant, or other lawful fees; or
- (2) to a bail agent or recovery agent properly licensed under this article.

(b) A bail agent or recovery agent who knowingly or intentionally gives or offers to give anything of value to any law enforcement officer, officer of the court, or other public servant, except as permitted by subsection (a), commits a Level 6 felony.

(c) A person who recklessly violates this section, except as provided in subsection (b), commits a Class B misdemeanor.
As added by P.L.261-1985, SEC.1. Amended by P.L.224-1993, SEC.30; P.L.158-2013, SEC.299.

IC 27-10-4-7

Surety bail agent; payment of premium owed

Sec. 7. (a) Notwithstanding any other law, not later than thirty (30) days after the termination of a surety bail agent's appointment, the surety bail agent shall pay to the former insurer or agent of the insurer to whom the surety bail agent reported on behalf of the former insurer any premium owed.

(b) The commissioner may enforce this section in accordance with IC 27-10-3-9.

As added by P.L.102-2005, SEC.9.