

PROCEDURES FOR QUALIFICATION OF SURETIES

Missouri licensed bail bond agents or licensed general agents, hereinafter referred to as "sureties", shall comply with the following qualification requirements:

- 1) Upon first making application, each individual surety, surety company or surety corporation who shall charge and receive compensation for the signing of a bond for a defendant charged with a felony, misdemeanor, infraction or ordinance violation shall present the items set out below. These items shall be submitted to the Office of the Court Administrator before the first time any such individual, company or corporation will be allowed to receive compensation for the signing of a bond. The items to be submitted are:
 - A. An affidavit of justification showing that the surety possesses the qualifications specified in Supreme Court Rules 33.17 and 37.29, 33.20 and 37.32 in the manner provided by Supreme Court Rules 33.18 and 37.30;
 - B. A power of attorney listing all individuals acting as attorneys-in-fact for the surety;
 - C. A true copy of the surety's licensing and the licenses of all attorneys-in-fact from the State of Missouri, Division of Insurance;
 - D. A list of all surety bail bonds in the State of Missouri or in any federal court written by the surety upon which the surety's obligation remains undischarged. The list shall detail the amount of each bond, the name of the principal or defendant, the offense charged, the court in which the bond is pending and the name of the attorney-in-fact writing the bond on surety's behalf, if any. The list shall provide a total amount of the bonds listed at the end and, if more than one page, shall provide a subtotal of the amount of bonds listed on each page;
 - E. An affidavit from each individual acting as an attorney-in-fact for the surety:
 - i. Showing that the individual possesses those qualifications required by Supreme Court Rules 33.17 and 37.29;

- ii. Acknowledging the accuracy of the surety's list of bail bonds (as detailed above in subparagraph D.) written by the individual as attorney-in-fact, and
 - iii. Stating that there are no outstanding forfeitures or unsatisfied judgments on any bail bond for which he/she acted as surety or as attorney-in-fact for the current (or any other) surety.
- F. Any surety seeking to qualify under Supreme Court Rules 33.20 and 37.32 shall provide:
- i. A certificate from the State of Missouri, Department of Insurance, acknowledging that the corporation, association or company formed for the purpose of making surety insurance is qualified to act as surety on any bail bond;
 - ii. A current financial statement from the insurer;
 - iii. A current power of attorney to the surety and to each of the surety's proposed attorneys-in-fact for the purpose of acting on behalf of the insurer in issuing bail bonds.
- G. Any surety seeking to qualify under Supreme Court Rules 33.18 and 37.30 must provide real estate situated in the State of Missouri or personal property consisting of cash or assets which are the equivalent of cash such as checking or savings accounts or certificates of deposit or other timed deposits with a federally or Missouri insured financial institution or bonds or stocks nationally and publicly traded. To establish net worth, the surety shall provide:
- i. For real estate:
 - (a) An accurate legal description of the real estate together with a description of the improvements located thereon, and the location of the property by street address if it is located in a city or town;
 - (b) A current title report at the time the realty is added to the monthly affidavit and an updated report through December 15th at the time of filing the submission to qualify in January, for so long as the realty is used;
 - (c) The latest assessed value and fair market value determined by the County Tax Appraiser in the county where the realty is situated.
 - ii. For cash or assets which are the equivalent of cash:

- (a) An accurate description of the asset which shall include the number of any account or certificate, the name and address of any financial or brokerage institution issuing or holding the asset;
 - (b) Monthly verification of the value of the asset and its title which may be in the form of a monthly statement from the financial or brokerage institution.
- 2) Once any person, company or corporation and its attorneys-in-fact have been approved by the Court in the manner and for the purposes designated herein, that person, company or corporation shall be eligible to serve as surety and attorney-in-fact for the surety in any criminal or ordinance violation pending before any municipal judge, associate judge or circuit judge of this circuit.
- 3) After initial approval, in order to be placed on the Court's approved list for all months except January (see paragraph 4, below, for the qualification requirements for January), each individual company and corporation wishing to continue to write bonds in the Sixteenth Judicial Circuit shall submit to the Office of the Court Administrator, between four business days before and no later than the first business day (courthouse open) of each calendar month only the following:
 - A. An affidavit attesting that the surety possesses the qualifications specified in Supreme Court Rules 33.17 and 37.29, 33.20 and 37.32 in the manner provided by Supreme Court Rules 33.18 and 37.30;
 - B. The power of attorney listing all individuals acting as attorneys-in-fact for the surety;
 - C. A list of all surety bail bonds in the State of Missouri or in any federal court written by the surety upon which the surety's obligation remains undischarged. The list shall detail the amount of each bond, the name of the principal or defendant, the offense charged, the court in which the bond is pending and the name of the attorney-in-fact writing the bond on surety's behalf, if any. The list shall provide a total amount of the bonds listed at the end and, if more than one page, shall provide a subtotal of the amount of bonds listed on each page; and
 - D. An affidavit like those submitted pursuant to 1E above but only for those attorneys-in-fact for whom no affidavit has been submitted by that surety;

- E. An affidavit reciting any other material changes in the information submitted in the yearly packet, e.g., changes in the property or other assets used to collateralize outstanding bonds.
- 4) In order to be placed on the Qualified List for the first calendar month of each year (i.e. January), the applicant must submit updated documents containing all of the requirements stated in paragraph 1, above.
- 5) A listing of all approved sureties and their attorneys-in-fact shall be disseminated by the Court Administrator or his/her designee on the Court's web site and to all divisions of the circuit and to all law enforcement agencies within the circuit.
- 6) The Court may make such additional investigation concerning all submissions of the applicant surety as is deemed necessary. If it is found that there has been a material misrepresentation in the items submitted by the surety and/or the surety's attorneys-in-fact, the Court may disqualify the surety and/or its attorneys-in-fact from writing bonds in any court in the Circuit for a period not to exceed one year from the date of submission. In addition, the applicant, or anyone making misrepresentations on his/her behalf, will be subject to criminal prosecution for fraud and the obstruction of justice.
 - 7) An unsatisfied judgment against a surety, entered upon any bail bond in any court of this state or of the United States, shall disqualify such surety for bonds in any cases wherein the defendant is charged with the commission of a crime. Such disqualification shall continue for so long as judgment remains unsatisfied and shall extend to any bail bond agent posting the bond on behalf of the surety and to any other surety with whom that individual is or becomes associated through agency, employment, as an officer or director or stockholder.
 - 8) Any failure to pay a judgment entered upon any bail bond in any court of this circuit shall be reported by clerk of the court in which said judgment was entered:
 - A. To the Court Administrator of the Circuit Court of Jackson County, or his/her designee. The report shall include the court case number, the style of the case, the name of the surety, the name of the attorney-in-fact posting the bail bond, if known, the amount of judgment, and the date on which the surety was notified of the bond judgment. This

report shall be made to the Court Administrator or his/her designee on the 30th day of each month and may be additionally reported as judgments are entered. If the surety refuses to pay said judgment, the Court Administrator, or his designee, shall notify the Presiding Judge who shall remove such surety and the surety's attorneys-in-fact from the list of qualified sureties for the duration of the failure to pay; and

B. To the State of Missouri, Department of Insurance, and the Office of the State Court Administrator in whatever form and with whatever accompanying documents as may be required by these offices.

9) Payment by the surety of any previously reported unpaid judgment on a bail bond forfeiture shall be reported by the division of the Court in which judgment was entered to the Court Administrator, or his/her designee, to the State of Missouri, Department of Insurance, and to the Office of the State Court Administrator within three (3) working days of said payment.

Effective January 1, 2016