

	<h1>THE BUSINESS OF BAIL BONDS</h1>
	<p>Nevada Limited Jurisdiction Judges 2025 Summer Seminar June 26, 2025 Minden, Nevada</p> <p>By Alexia Emmermann, Chief Counsel Division of Insurance</p>

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	<h2>Division of Insurance</h2> <p>The Nevada Division of Insurance is an agency under the Department of Business & Industry charged with regulating the business of insurance in Nevada pursuant to NRS Title 57 (and a few other chapters).</p> <ul style="list-style-type: none">▪ Traditional insurance▪ Funeral and burial preneed, cemetery endowment, service contracts, title, travel, portable electronics, viatical settlements, fixed annuities, captives, risk retention/purchasing groups, motor clubs, bail, administrators, self-insured workers compensation▪ Receiverships
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What Is Bail?

"Security required by a court
for release of a prisoner
who must appear at a future time"

-Black's Law Dictionary

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What Is Bail?

1. Person arrested.
2. Surety deposits security with court.
3. Person released.
4. Person complies with court orders and case resolved.
5. Court releases security.

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Today's Discussion

Suretyship

The Commercial Bail Transaction

Regulation of Bail Businesses

Common Issues with Bail

Collaboration

Final Thoughts

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Suretyship

"The state of being sure; . . .
a basis of confidence or security"

- Merriam Webster Online

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Suretyship

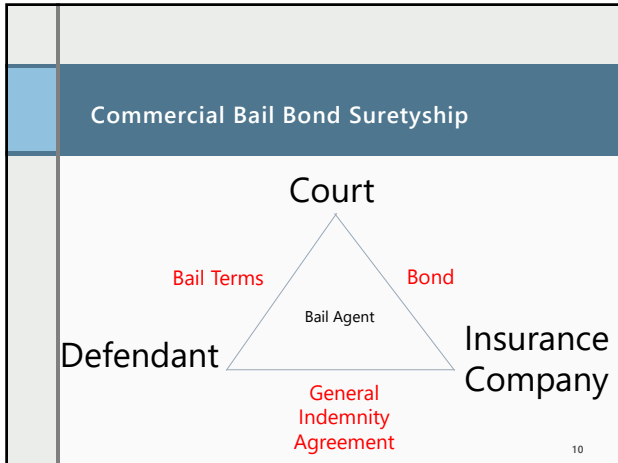
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The Commercial Bail Transaction

1. Person arrested, family goes to bail agent for help.
2. Bail agent, on behalf of insurance company, underwrites transaction. If risk accepted, bail agent takes bond to jail/court.
3. Person is released and
 - o Complies with court orders, case completed, bond exonerated.
 - o Does not comply with court orders—things get complicated.

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Why Is the Business of Bail Regulated?

- To protect policyholders
- To provide adequate standards of solidity, integrity, competence in conduct of affairs
- To ensure fair and equitable treatment
- To ensure adequate and healthy market with competitive conditions and exercise of initiative
- To prevent misleading, unfair, and monopolistic practices
- . . . among other reasons.

- NRS 679A.140

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Why Is the Business of Bail Regulated?


What are people willing to do to get out of jail as quickly as possible?

- Jail isn't pleasant
- Unfamiliar situation
- Responsibilities
- Scared


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What Laws Govern Commercial Bail?



NRS 697, NAC 697 (under Insurance Code) - Licensing, Acts, Trade Practices, Prohibitions, Penalties



NRS 178 - Provisions related to bail bonds governed by courts



Other laws may apply

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Division's Role

Commissioner implements and enforces provisions imposed on businesses related to bail under NRS 697. This covers

- Licensing
- Duties and limitations of each license type
- Trade practices
- Claims handling
- Penalties for violations

Commissioner evaluates Insurer solvency (NRS 679B.230 et seq.)

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Court & Law Enforcement Roles

Court	Law Enforcement
<ul style="list-style-type: none">• Exonerate/declare forfeited bonds• Hold proper party responsible for paying bond• Ensure bail agents and bail enforcement agents are not abusing their authority	<ul style="list-style-type: none">• Register bail agents• Receive notice of apprehensions• Ensure bail agents and bail enforcement agents are not abusing their authority

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	<h2>How the Business of Bail Works</h2> <p>The business of bail aligns with the license types that exist:</p> <ul style="list-style-type: none"> ▪ Insurance company – NRS 680A.060 (NRS 681A.070) ▪ Bail agent – NRS 697.040 ▪ Bail enforcement agent – 697.055 ▪ Bail solicitor – 697.060 ▪ General agent – 697.070 ▪ Bail agency, bail enforcement agency, general agency – NRS 697.100

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	<h2>NRS 697.090—License Required</h2> <p>“A person in this state <u>shall not act in the capacity</u> of a bail agent, bail enforcement agent or bail solicitor, <u>or perform any of the functions, duties or powers prescribed</u> for a bail agent, bail enforcement agent or bail solicitor under the provisions of this chapter, <u>unless that person is qualified and licensed</u> as provided in this chapter.”</p>

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	<h2>Duties Tie Back to License Type</h2> <ul style="list-style-type: none"> ▪ Bail agent represents insurance company and underwrites bond—determines level of risk and decides if insurer will accept the risk, holds collateral for insurer; holds power of attorney to execute bonds on behalf of insurer. ▪ Bail solicitor solicits bail transactions for employer (BA). ▪ Bail enforcement agent enforces the terms of release from custody, locates a defendant, and apprehends or surrenders defendant to custody. ▪ General agent supervises or manages bail business written by BA on behalf of insurer.

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Common Issues with Bail Regulation

- Unlicensed activity
- Contracts that violate Nevada law
- Charges—premium, fees, expenses
- Collateral
- Early surrenders
- Misuse of information
- Misrepresentation/misuse of authority

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Compare Licensing Requirements

Bail Agent	Bail Enforcement Agent
▪ 18	▪ 21
▪ Appointed by surety	▪ Complete high school
▪ Competent, trustworthy, financially responsible	▪ Trustworthy, competent
▪ Complete 6 hours of training in bail bonds	▪ Psychological exam/drug test
▪ Take/pass exam	▪ Complete 80 hours of training in law, field operations, skills, and principles of investigations
	▪ Take/pass exam

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NRS 178.526 Arrest of defendant.

1. For the purpose of surrendering a defendant, a surety, at any time before the surety is finally discharged, and at any place within this State, may, by:

(a) Written authorization for the arrest of the defendant attached to a copy of the undertaking; or

(b) A written authority endorsed on a certified copy of the undertaking,

→ cause the defendant to be arrested by a **bail agent** or bail enforcement agent who is licensed pursuant to [chapter 697](#) of NRS.

2. A **bail agent** or bail enforcement agent who arrests a defendant in this State or any other jurisdiction is not acting for or on behalf of this State or any of its political subdivisions.

NRS 697.325 Notice to local law enforcement agency when defendant apprehended; notice to local law enforcement agency before forcible entrance of inhabited dwelling; penalty.

1. After apprehending a defendant in this state, a **bail agent** or bail enforcement agent shall immediately or without undue delay notify in person or by telephone the local law enforcement agency of the jurisdiction in which the defendant was apprehended of:

(a) The identity of the defendant;

(b) The identity of the bail agent or bail enforcement agent; and

(c) Where the **bail agent** or bail enforcement agent is taking the defendant to surrender the defendant into custody.

2. Before forcibly entering an inhabited dwelling in this state, a **bail agent** or bail enforcement agent shall notify the local law enforcement agency of the jurisdiction in which the dwelling is located.

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	<h2>Division Actions</h2>
	<ul style="list-style-type: none">▪ Administrative actions▪ Bail Compliance Project▪ Regulations
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	<h2>Collaboration</h2>
	<p>Notify the Division of issues with bail licensees, such as</p> <ul style="list-style-type: none">▪ Uncooperative, unruly, or belligerent behavior▪ Forfeited bonds not timely paid after notice▪ Suspected unlicensed activity <p>Email icommish@doi.nv.gov.</p>
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	<h2>Questions?</h2>	
		<p>Website: doi.nv.gov/Bail</p> <p>Email: aemmermann@doi.nv.gov</p>
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