

Mississippi Bail Agents Association

Code of Ethics

SECTION I

RELATIONS WITH THE CLIENT

ARTICLE 1.

In justice to those who place their faith, confidence and interests in his or her care, the Bail Agent should endeavor constantly to be informed regarding current laws, proposed legislation, governmental orders or regulations, and other significant information and public policies which may affect the interests of the client.

ARTICLE 2.

The Bail Agent should make a constant practice of full and complete disclosure to all parties, be they principal or indemnitor, of any possible liabilities, penalties, or detriments, which may arise from their involvement in that particular undertaking which secures the release from custody of a person who is charged with a criminal offense.

ARTICLE 3.

The Bail Agent should not, prior to forfeiture or breach, arrest or surrender any principal and thereby terminate his release from governmental custody unless the agent can materially show good cause for such action, such good cause reasonably taking the form of judicial action, information concealed or misrepresented, or the renunciation of an indemnitor or the principal, any of which may be considered material to the risk assumed by that Bail Agent.

ARTICLE 4.

The Bail Agent, upon receipt of notice of forfeiture or breach where notice is required, or upon personal knowledge of forfeiture or breach, should promptly and formally notify any and all Indemnitor's and real parties of interest of the forfeiture or breach by the principal, and the Bail Agent should at that time concisely state the liability incurred or pending.

ARTICLE 5.

The Bail Agent shall supply all Indemnitor's to an undertaking with a true copy of any document representing a binding legal contract to which he or she is to be or is being committed.

ARTICLE 6.

When an examination of the material factors of a potential undertaking reasonably convinces a Bail Agent that he or she will be unable to undertake that particular bail relationship, the Bail Agent should immediately inform all involved parties that he or she will not be able to secure the release of the defendant so that the defendant or his affiliates may promptly seek his or her release by another means.

ARTICLE 7.

Every Bail Agent should comply in full with the laws and regulations governing the transaction of bail in Mississippi. Such compliance must necessarily include those matters dealing with the trust and fiduciary relationship as it relates to monies and properties, which may secure an undertaking. The highest moral and ethical practice should be maintained when entering into a trust or fiduciary relationship.

SECTION II

RELATIONS WITH THE GENERAL PUBLIC

ARTICLE 8.

The Bail Agent should keep himself or herself informed as to movements affecting the criminal justice system in his or her community, state, and the nation, so that he or she may be able to constructively contribute to public thinking in matters of legislation, expenditures, public safety, and other questions dealing with the welfare of the general public. The Bail Agent shall strive to find more effective means of fighting crime.

ARTICLE 9.

It is the paramount duty of the Bail Agent to protect the general public against misrepresentations or unethical business practices in the bail industry. He or she should endeavor to eliminate, in their community, any practices which could be damaging to the public or to the dignity and integrity of the bail industry. The Bail Agent should assist any regulatory agency or business practices review board charged with regulating the practices of the members of the bail industry.

ARTICLE 10.

The Bail Agent should not, except as provided by law, engage in activities that constitute the practice of law, and should refrain from making comments and representations which may lead the public to believe that the Bail Agent is practicing law.

SECTION III

RELATIONS WITH THE GOVERNMENT SECTOR

ARTICLE 11.

The Bail Agent, with due regard for the special position of responsibility and trust that this profession places an Agent in, should assist and cooperate with the judiciary, law enforcement agencies, and public prosecutors in the orderly administration of justice, so long as such issuance or cooperation does not compromise the honesty and integrity of the Bail Agent or of the public officer.

ARTICLE 12.

Unless compelled to do so by law or by court order, the Bail Agent should not divulge or disclose to any person or agency personal information regarding the principal or indemnitor of any undertaking, which has not been forfeited or breached. The inherent right to privacy of the individual, and the position of trust of the Bail Agent, demand compliance with this concept.

ARTICLE 13.

The Bail Agent should make great efforts to verify and confirm any information which he may give to a court, law enforcement agency, or any other public agency, and a failure to do so, or an intentional misrepresentation of a fact to any one of the entities must be construed as a breach of the fundamental relationship of trust between the Bail Agent and the government sector.

ARTICLE 14.

The Bail Agent shall diligently insure that the name, license number, address, and phone number of the Professional Bail Agent is recorded on each bail bond executed by such Bail Agent, and if such Bail Agent be a Limited Surety Bail Agent, shall also insure that the name and address of the Insurer is recorded on the bail bond.

SECTION IV
RELATIONS WITH FELLOW BAIL AGENTS

ARTICLE 15.

The Bail Agent shall not conspire with other Bail Agents to regulate rates or restrict trade within the Bonding professions.

ARTICLE 16.

The Bail Agent should so conduct his or her business as to avoid controversies and conflicts with his or her fellow Bail Agents, and should not voluntarily disparage the business practice of a competitor, nor volunteer an opinion of a competitor's transaction. If his or her opinion is sought, it should be rendered with strict professional integrity and courtesy.

ARTICLE 17.

The Bail Agent should seek no unfair advantage over his or her fellow Bail Agents, and should willingly share with them the lessons of his or her experience and study. The Bail Agent should also inform his or her fellow Bail Agents of established hazards involving a prospective client if such hazards truly exist.

ARTICLE 18.

The Bail Agent who is charged with unethical business practices by a governmental regulatory agency or by a grievance committee comprised of his or her peers, should place all pertinent facts and rebuttal before the accusatory body promptly and voluntarily for investigation and judgment.

ARTICLE 19.

The Bail Agent should constantly strive for the highest degree of professionalism attainable, and this should be expected and demanded from all Bail Agents by all those persons involved in the bonding industry, regardless of position.

ARTICLE 20.

The Bail Agent should make extensive effort to support, contribute to, and participate in local, statewide and national Bail Agent associations whose goals are to preserve and enhance the integrity, quality and honor of the bonding industry.

CONCLUDING SANCTION

These Articles of the Code of Ethics are combined to guarantee high integrity and dignified professionalism from those who adhere to the principles of business and moral conduct outlined within. No inducement of profit and no instructions from clients or outside parties can ever justify departure from these principles or from the injunction of this Code of Ethics.

Approved and acknowledged by the Board of Directors on the 13th day of January 1993.

Approved and amended by the Board of Directors on the 10th day of March 1993.