

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE**

Issued: February 25, 2019

Bail Update

Topics Covered:

1. Bail Information & Resources
2. Early Surrender of Defendant Form (Form M-8C)
3. Bail Pre-licensing, Training, and Continuing Education

1. Bail Information & Resources

The Division has published content dedicated to the business of bail, which is available at <http://doi.nv.gov/bail>. These webpages provide information about how bail is regulated, as well as information and resources related to licensing, forms, laws, bulletins, and other guidance. These webpages are not a substitute for bail provisions in the Nevada Revised Statutes and the Nevada Administrative Code. As a licensee, it is your duty to be competent in the business of bail.

2. Early Surrender of Defendant Form (Form M-8C)

Nevada law requires bail agents who cause the early surrender of a defendant to file a statement concerning the early surrender, including information required on Form M-8C. NAC 697.550.3. Form M-8C, also known as the Early Surrender of Defendant Form, has been updated. Effective immediately, all bail agents must use the updated Form—prior versions of the form will be rejected. An explanation regarding the form and early surrenders in general is provided in Bulletin 19-002.

All of the information requested on the form is based on a typical bail transaction. For example, NRS 697.325 requires a bail agent or bail enforcement agent to immediately notify local law enforcement of an apprehension. When notified, law enforcement registers or tracks the call, which is identified on the form as an “event number” documenting the BA’s or BEA’s call.

The Early Surrender of Defendant Form is available on the Division’s website at http://doi.nv.gov/Licensing/License_Types/Bail/ (click on the link under the Forms header). To make it easier to email the Form to the Division, the Form is a fillable PDF and may be digitally signed. If you are unable to digitally sign the Form, print it, sign it, PDF it, and email it to the Division. At the bottom of the Form, you will find a box entitled “Filing this Form by Email,” which provides the information necessary to file the Form.

The Form can also be accessed directly at http://doi.nv.gov/uploadedFiles/doingov/_public-documents/Bail/NDOI-717_Early_Surrender_of_Defendant.pdf.

For questions regarding the Form, email insinfo@doi.nv.gov.

3. Bail Pre-licensing, Training, and Continuing Education

In December, the Division notified bail licensees that Truckee Meadows Community College is no longer offering bail-related courses. That means that there is currently no provider of bail pre-licensing education (“PE”) or continuing education (“CE”) courses in Nevada.

Nevada law requires applicants for bail licenses to obtain PE or training in order to apply for a license. A person applying for a bail agent, bail solicitor, or general agent license is required to provide proof that the person completed a 6-hour course of instruction in bail bonds that is

- (1) Offered by a state or national organization of bail agents or another organization that administers training programs for [the particular license]; and
- (2) Approved by the Commissioner.

NRS 697.150.1(g) (bail agents); NRS 697.170.1(d) (bail solicitors); and NRS 697.184.1(a) (general agents). A person applying for a bail enforcement agent license must complete a basic course of training that is approved by the Commissioner. NRS 697.177. The course must include at least 80 hours of training in certain topics.¹

Additionally, Nevada law requires bail licensees to provide proof that they have complete a 3-hour CE course that is

- (1) Offered by the authorized surety insurer from whom the licensee received written appointment, if any, a state or national organization of bail agents or another organization that administers training programs for general agents, bail agents, bail enforcement agents or bail solicitors; and
- (2) Approved by the Commissioner.

NRS 697.230.1(a).

Without any providers, there are no PE or CE courses available. This means that no new applicants will qualify for a bail license, and no current licensees will qualify to renew their licenses.

The Division is only authorized to approve courses, not to provide courses. Therefore, it is incumbent on the bail industry to determine how it will proceed with addressing the lack of bail education in Nevada. The Division has notified all of the sureties about this issue. Bail licensees may want to work with their sureties to resolve this issue.

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¹ Note that applicants for a bail enforcement agent license may qualify if they meet the other training the Commissioner is authorized to accept, namely military or law enforcement training.