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To: [Insurance Regulation](#)
Cc: [Tracy A. DiFillippo](#)
Subject: Presentation of Proposed Regulations, LCB File No. R185-22 Business of Bail [IWOV-IDOCS.FID3716507]
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Attachments: Ltr to NDOI re Proposed Bail Rebulations.pdf

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Dear Commissioner,

Please see the attached letter.

Regards,



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November 14, 2021

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Re: Presentation of Proposed Regulations, LCB File No. R185-22 Business of Bail

Dear Commissioner:

I represent Allegheny Casualty Company and Aladdin Bail Bonds and below are our written comments to the proposed bail regulations. I will also provide public comment at the workshop scheduled on November 15, 2022 at 9:00 a.m.

1. **Section 2(3).** We recommend changing to participate in the **location and apprehension** or surrender of a defendant **to custody**. This tracks the language in NRS 697.055, the definition of a bail enforcement agent: “to locate a defendant and to apprehend a defendant or surrender a defendant to custody.” By separating out “location” and not connecting to apprehension, the regulation would preclude a bail agent from contacting the defendant regarding a missing court date and requiring that any activity to locate a defendant is only permissible by a bail enforcement agent. NRS 697 requires a bail enforcement agent to be used to locate and apprehend a defendant. It does not preclude a bail agent from trying to contact or research a defendant’s location for purposes of contacting that defendant.
2. **Section 3(2).** We recommend changing to 9 months after the date the applicant for a license as a bail enforcement agent is employed **or contracted** by a bail agent as a bail enforcement agent.
3. **Section 5(3)(b)(5).** This section appears to conflict with Section 5(3)(b)(1) – you cannot be licensed under NRS 697 or affiliated with any person licensed to teach the course but then section 5(3)(b)(5) wants the instructor to take the licensee test to be licensed. Why is this necessary? A person can be knowledgeable about bail to teach a course of instruction but not be licensed or take the test. These two sections create confusion and conflict.
4. **Section 7(2)(a)(2)(III).** We recommend changing to “cover the topics”

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5. **Section 8.** Why are we limiting the CE that are put on by sureties to only provide them for their appointed agents? A CE put on by a surety should be open to all licensees.
6. **Section 10(b).** We want to make sure that this proposed regulation does not preclude bail enforcement agents carrying or wearing IDs that identify themselves as “Bail Enforcement” or “Bail Enforcement Agent.” The purpose of this is for safety (*e.g.* identifying themselves in the field during an apprehension) and customary when in detention facilities to identify themselves to staff.
7. **Section 10(1)(c).** This section appears to be in conflict with NRS 697.177(c) in which part of the course of instructions for bail enforcement agents is the use of nonlethal weapons, the retention of weapons, and qualifications for the use of firearms. The statutes require training on the use of weapons but the regulations do not permit the use of weapons.
8. **Section 11.** This section appears to be in conflict with NRS 697.100(2)(a), which provides that a corporation may be licensed as a bail agent if “[t]he corporation is owned and controlled by an insurer authorized to write surety in this State or a subsidiary corporation of such an insurer.” This is how Aladdin Bail Bonds is licensed and should remain as such consistent with the statute. Aladdin Bail Bonds does designate its licensed office manager as the responsible licensed person.
9. **Section 15(3).** The definition of bail bond is inconsistent with NRS 697.030, which defines “bail” and includes “bail bond.” The statutory definition provides that it is an appearance bond only and not to guarantee court conditions. Because the statutes already provide the definition, we propose eliminating the proposed regulation.
10. **Section 17 (1-3).** We recommend leaving in the text for certain clerical/administrative tasks performed under the direct supervision of a licensed bail agent. Eliminating the clerical/administrative tasks will cause numerous people to lose their jobs.
11. **Section 17(7).** Recommend adding, surrendered **into custody** by a bail enforcement agent.
12. **Section 29 – amending NAC 697.380.** A copy of the final judgment of default needs to be served on the bail agent and surety. This needs to be consistent with NRS 178.514, which requires the clerk to mail or electronically transmit the judgment to the **obligors**, which is both the bail agent and the surety.
13. **Section 30 – amending NAC 697.410.**

For subsection (j) you are assuming that the court provides notice of exoneration. Maybe change to any notice of exoneration received and the date thereof, if applicable

For subsection (n), we recommend written communications related to the defendant. Also, we recommend changing to information that the bail agent retained to monitor the case of the defendant. The bail agent may just look at the online minutes but may not print them, is this requiring that they do so? The bail agent may have used information on the internet to monitor the defendant but may not be able to have actual documentation to put in a file. Concerned that if this information is not in the file because maybe there was no monitoring that it will be a negative assumption against the bail agent that they do not have a complete file.

14. Section 32 – amending NAC 697.430. Why change to 7 years, that seems like a long time. Statute of limitation on suing under a contract is 6 years. Also, recommend that the records may be kept electronically. This would appear consistent with the proposed regulation amending NAC 697.460.

15. Section 33 – amending NAC 697.440. We want to make sure that this only requires one submission of forms, not having to submit forms each time there is an appointment of a bail agent and provide forms if they are the same forms already submitted and approved.

16. Section 35 – amending NAC 697.460. Should cash over a certain amount be delivered to the surety?

17. Section 40 – amending NAC 697.520. This is not in line with NRS 697.320. NRS 697.320(2) provides: “If the collateral is deposited to secure the obligation of a bond, it must be returned immediately after receipt of the **request for return of the collateral** and notice of entry of any order by an authorized official by virtue of which liability under the bond is terminated **or upon payment of all fees owed to the bail agent**, whichever is later. NRS 697.320(4), provides “Any collateral returned to a person pursuant to this subsection is subject to a claim for fees, if any, owed to the bail agent returning the collateral. Stating that the person who owns the collateral is not required to request it is directly contrary to the statute. Also, taking out the payment of fees is contrary to the statute.

18. Section 41 – amending NAC 697.530. Collateral should be taken by the bail agent in the name of the surety, like deeds of trust. Title to collateral should never be conveyed to surety or bail agent but only taken as a security interest in collateral.

19. Section 42 – amending NAC 697.550.

For subsection 5(b), why does the material false information have to be in writing? Defendant may call and provide a change of address or information that is false and this should be included.

We recommend adding any subsequent information that increases the risk of the bond

For subsection 10, what if there is a new crime and the bond is increased, so all that is the same is the case number?

Thank you for your consideration of these written comments to the proposed bail regulations.

Sincerely,



Tracy A. DiFillippo, Esq.

TAD:cr