

118TH CONGRESS }
2d Session } HOUSE OF REPRESENTATIVES { REPORT
118-

KEEPING VIOLENT OFFENDERS OFF OUR STREETS ACT

SEPTEMBER --, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

____ VIEWS

[To accompany H.R. 8205]

~~[Including cost estimate of the Congressional Budget Office]~~

The Committee on the Judiciary, to whom was referred the bill (H.R. 8205) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that Byrne grant funds may be used for public safety report systems, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keeping Violent Offenders Off Our Streets Act”.

SEC. 2. FRAUD IN CONNECTION WITH POSTING BAIL.

Section 1033(f)(1)(A) of title 18, United States Code, is amended by inserting before the comma the following: “(including the posting of monetary bail, criminal bail bonds, and Federal immigration bail bonds)”.

Table of Contents

Purpose and Summary	3
Background and Need for the Legislation	3
Hearings	7
Committee Consideration	8
Committee Votes	8
Committee Oversight Findings	9
New Budget Authority and Tax Expenditures	9
Congressional Budget Office Cost Estimate.....	9
Committee Estimate of Budgetary Effects	9
Duplication of Federal Programs	9
Performance Goals and Objectives.....	9
Advisory on Earmarks	10
Federal Mandates Statement.....	10
Advisory Committee Statement.....	10
Applicability to Legislative Branch.....	10
Section-by-Section Analysis.....	10
Changes in Existing Law Made by the Bill, as Reported	10
Dissenting Views	11

Purpose and Summary

H. R. 8205, the Keeping Violent Offenders Off Our Streets Act, introduced by Rep. Scott Fitzgerald (R-WI), defines bail bonds as insurance products, which subjects them to federal insurance fraud laws and allows states to enact licensing requirements for corporate, for-profit, and non-profit entities that post bail on behalf of defendants. It would also require the employees and agents of charitable bail funds to pass a criminal background check as required by the Violent Crime Control Act of 1994, which places certain requirements on individuals operating in the insurance industry.¹

Background and Need for the Legislation

Charitable Bail Funds

Charitable bail funds are organizations that use money from donations to help pay cash bail for defendants. These charitable funds are a small part of the larger movement to significantly reform or eliminate the cash bail system. According to the National Bail Fund Network, there are over ninety charitable bail funds across the country that specialize in helping low-income individuals, protesters, LGBTQ individuals, immigrants, sex workers, and other individuals post bail.²

Charitable bail funds regularly post bail for individuals who have been charged with violent felonies and have previous convictions. For example, a CNN investigation in 2023 into charitable bail funds found that in Indiana from 2019 to 2021, “24 percent of the roughly 1,000 defendants cut loose by The Bail Project – among the largest charitable bail groups in the United States – had been charged with a crime of violence; 35 percent were facing felony charges and had a previous charge of at least one crime of violence.”³ This led Indiana to pass a law in July 2022 that prohibits charitable bail funds from bailing out felony offenders with a previous conviction for a violent crime.⁴ According to the investigation done by CNN, at least nine individuals who were released by a bail charity were subsequently arrested for murder.⁵ CNN found that if the Indiana law had been applied nationally, it “likely would have prohibited charities from releasing at least five of the nine defendants who were later arrested on murder charges.”⁶ CNN’s investigation also found dozens of cases after the death of George Floyd in

¹ Pub. L. 103-322 (1994).

² Community Justice Exchange, National Bail Fund Network, Directory of Community Bail Funds, <https://www.communityjusticeexchange.org/en/nbfn-directory> (last visited Sep. 13, 2024); Jack Karp, *Do New Laws Seek To Regulate Charitable Bail, Or End It?*, LAW 360 (Apr. 5, 2024).

³ Rob Kuznia and Yahya Abou-Ghazala, *Bailed out, arrested again: These charities boomed after the murder of George Floyd. They’re under fire for bailing out violent offenders*, CNN (Mar. 21, 2023).

⁴ Jack Karp, *Do New Laws Seek To Regulate Charitable Bail, Or End It?*, LAW 360 (Apr. 5, 2024).

⁵ Kuznia and Abou-Ghazala, *supra* note 3.

⁶ *Id.*

which individuals were bailed out by charitable funds and subsequently committed violent crimes, such as robbery, assault, kidnapping, and attempted murder.⁷

Commercial bail bondsmen—who are subject to licensing and background check requirements—are more successful at ensuring defendants show up to their court dates when compared to charitable bail funds. According to data reviewed by CNN, of the 500 defendants bailed out by the Minnesota Freedom Fund (MFF), a charitable bail fund, in 2021 and 2022, about 42 percent of them failed to show up for their court dates.⁸ By comparison, of the 16,000 defendants assisted by commercial bail companies during the same period, only approximately 22 percent failed to appear for their court date.⁹ Similarly, the Seattle area’s Northwest Community Bail Fund, a charitable bail fund, has bailed out roughly 440 individuals since the 2020 summer riots and 52 percent of them failed to appear in court.¹⁰ Commercial bail bondsmen in the Seattle area secured the pre-trial release of 3,000 individuals and only 24 percent of those individuals failed to appear in court.¹¹

Defendants are more likely to show up for their court appearances if they or their family members have to provide collateral to ensure the defendant’s appearance in court. With a charitable bail fund posting bail on the defendant’s behalf, defendants have less of an incentive to show up to court as there is no financial burden on them or their family if they fail to appear. Joe Tamburino, a defense attorney in Minneapolis, put it plainly to CNN: “If you run, so what? It’s not your money or your mom’s money being lost.”¹²

After the death of George Floyd in May 2020, there was an unprecedented surge of cash that flowed to charitable bail funds. For example, the MFF received \$231,000 in 2019 but took in close to \$42 million in 2020.¹³ The Chicago Community Bond Fund raised \$1 million in 2019 but took in approximately \$8 million in 2020.¹⁴ Similarly, the Northwest Community Bail Fund took in approximately \$158,000 in 2019 but took in around \$6 million in 2020.¹⁵ Charitable bail funds used this large influx of cash to bail out violent criminals across the country. Among other solicitations, then-Senator Kamala Harris publicly supported the MFF and encouraged people to “chip in now to the @MNFreedomFund to help post bail” for the rioters and looters in Minnesota.¹⁶

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Alec Schemmel, *Kamala Harris-backed bail fund helped incarcerated man, now charged with murder, go free*, ABC NEWS 4 (Aug. 30, 2022).

Victims of Criminals Released by Charitable Bail Funds

Charitable bail funds have repeatedly posted bail for criminals previously charged and convicted of serious violent crimes, including sexual assault of a minor. Greg Lewin, Executive Director of the MFF, has stated, “I often don’t even look at a charge when I bail someone out.”¹⁷ He added, “I will see it after I pay the bill because it is not the point. The point is the system we are fighting.”¹⁸ After these individuals are released by the charitable bail funds, they often continue to commit crimes. For example:

- Christopher Boswell, a two-time convicted rapist and level 3 sex offender, was bailed out by the MFF in the summer of 2020 after being charged with ten felonies including sexual assault, kidnapping, and assault.¹⁹ Despite his violent history, the MFF paid \$350,000 to secure his release, and by September 2020 Boswell had already violated the conditions of his release and a felony warrant was issued for his arrest.²⁰
- Timothy Wayne Columbus, a 37-year-old previously convicted sex offender, was bailed out by the MFF after sexually assaulting an 8-year-old girl.²¹ The victim told police officers that Columbus held her down on the couch, sexually abused her, and told her that if she told anyone he would hurt her.²² Despite his previous criminal history, the MFF paid \$300,000 for the unconditional release of Columbus.²³
- Lionel Timms, a convicted felon, was bailed out by the MFF after being charged with domestic assault for an attack on a bus rider who refused to give him money.²⁴ Shortly after his arrest, the MFF paid \$11,500 to bail Timms out of jail despite his history of violence.²⁵ After his release, Timms violently assaulted and robbed a bar manager behind Mac’s Industrial Bar in Minneapolis, leaving the manager in the hospital with a traumatic brain injury.²⁶
- In 2002, Myon Burrell was sentenced to life in prison for the murder of an 11-year-old girl.²⁷ Burrell’s sentence was commuted in 2020 by Governor Tim Walz after

¹⁷ Tom Lynden, *Minnesota nonprofit with \$35M bails out those accused of violent crimes*, FOX 9 (Aug. 10, 2020).

¹⁸ *Id.*

¹⁹ Crime Watch MN, *Rapist bailed out by Minnesota Freedom Fund after being charged in new cases now wanted on felony warrant*, ALPHA NEWS (Mar. 1, 2021).

²⁰ *Id.*

²¹ Kyle Hooten, *Minnesota Freedom Fund bailed out 37-year-old man accused of raping 8-year-old girl*, ALPHA NEWS (Mar. 1, 2021).

²² *Id.*

²³ *Id.*

²⁴ Crime Watch MN, *Suspect bailed out by Minnesota Freedom Fund leaves bar manager with traumatic brain injury in violent assault*, ALPHA NEWS (Aug. 21, 2020).

²⁵ *Id.*

²⁶ *Id.*

²⁷ Crime Watch MN, *Myon Burrell convicted on gun and drug charges stemming from traffic stop last year*, ALPHA NEWS (Sep. 7, 2024).

Minnesota’s pardons board found that exculpatory evidence was originally kept from Burrell’s legal team nearly twenty years ago.²⁸ In August 2023, Burrell was arrested after law enforcement officers found a loaded handgun and drugs in his vehicle during a traffic stop.²⁹ The MFF paid \$100,000 cash to bail Burrell out of jail after his arrest in August 2023.³⁰ While out on the MFF’s bail, Burrell was arrested and charged in a separate drug case after a traffic stop led to police finding methamphetamine.³¹

Current State Regulation of Commercial Bail Bonds and Charitable Bail Funds

At least thirty-seven states currently have licensing requirements for professional bail agents to practice in the commercial bail industry.³² Most states rely on the state insurance department or state insurance commission to regulate bond agents, but some states use a financial services agency or the courts.³³ The most common requirements for bail agents to maintain a license include “reaching a certain age, paying a fee, passing an exam, completing education requirements, and submitting a criminal background check.”³⁴

For example, in California, bond agents must complete twenty hours of classwork, pass an exam, take continuing education courses, and renew their license every two years.³⁵ Some states will not issue or renew a bail agent’s license if they “commit a felony, a crime of moral turpitude or offenses involving misappropriation of money or property.”³⁶ Jeffrey J. Clayton, the Executive Director of the American Bail Coalition, stated, “the for-profit corporate surety industry is heavily regulated as an insurance product” and that similar licensing requirements for charitable bail funds would ensure accountability for the large donations these funds receive.³⁷

Many states have recently sought to regulate charitable bail funds. For example, Georgia recently passed a bill that prohibits charitable bail funds from paying more than three cash bonds per year in a given jurisdiction and also subjects them to the same requirements as professional bail bond agencies in the state.³⁸ New York heavily regulates charitable bail funds by prohibiting them from posting bail in an amount more than \$2,000.³⁹ It also only allows these funds to post bail for defendants who are indigent and accused of low-level misdemeanor offenses.⁴⁰ Additionally, those operating the charitable bail funds in New York must be licensed by the

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Amber Widgery, *Bail Bond Agent Licensure*, NATIONAL CONFERENCE OF STATE LEGISLATURES (Apr. 23, 2013).

³³ *Id.*

³⁴ *Id.*

³⁵ Karp, *supra* note 4.

³⁶ Widgery, *supra* note 32.

³⁷ Karp, *supra* note 4.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Alyssa Work, *Establishing a Charitable Bail Fund in New York State, A Step-by-Step Guide*, BRONX FREEDOM FUND (last visited Sep. 13, 2024).

Department of Financial Services.⁴¹ Indiana also passed a law in July 2022 prohibiting charitable bail funds from posting bail for felony offenders with a violent crime conviction.⁴²

The Kentucky House of Representatives recently passed the Safer Kentucky Act, which bars charitable bail funds from paying more than \$5,000 in bail and prohibits them from bailing out someone accused of certain crimes, including domestic violence.⁴³ The bill also requires charitable bail funds to disclose their donors and expenditures in an annual report to the state legislature.⁴⁴ The bill gained traction after the Louisville Community Bail Fund posted the \$100,000 bond of Quintez Brown, who, after being released to home confinement, tried to murder mayoral candidate Crag Greenberg.⁴⁵ Other states like Idaho, Minnesota, Pennsylvania, and Virginia have introduced similar legislation.⁴⁶

The Keeping Violent Offenders Off Our Streets Act amends the federal criminal statute dealing with insurance-related crimes (18 U.S.C. § 1033) to include the posting of bail by a corporate entity, non-profit entity, or for-profit entity as “engaged in the business of insurance.”⁴⁷ Therefore, if a charitable bail fund is posting bail on behalf of another individual, it will be subject to the criminal provisions within the statute. For example, charitable bail funds will be prohibited from making materially false statements in any financial reports or documents sent to an insurance regulatory official or agency.⁴⁸ Charitable bail funds and their agents will also be prohibited from embezzling or misappropriating the fund’s money. The criminal penalties associated with a violation of this section vary by the specific offense, but generally include both a fine and a prison term not exceeding 15 years.⁴⁹ Additionally, as charitable bail funds would be “engaged in the business of insurance” under federal law, this would subject them to state licensing requirements and regulation by state insurance commissions.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearings were used to develop H.R. 8205: “Victims of Violent Crime in Manhattan” a hearing held on April 17, 2023, before the Committee on the Judiciary. The Committee heard testimony from the following witnesses:

- Madeline Brame, Chairwoman of the Victims Rights Reform Council and mother of a homicide victim;

⁴¹ *Id.*

⁴² Kuznia and Abou-Ghazala, *supra* note 3.

⁴³ Joe Sonka, *Measure to ban charitable bail groups softened; bill advances after emotional testimony*, LOUISVILLE COURIER JOURNAL (Feb. 24, 2022).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Erin George, *Turning a blind eye to the bail bond industry*, THE BAIL PROJECT (Mar. 22, 2024).

⁴⁷ 18 U.S.C. § 1033.

⁴⁸ *Id.*

⁴⁹ *Id.*

- Jose Alba, Former Manhattan bodega clerk and victim of assault in Manhattan;
- Jennifer Harrison, Founder of Victim’s Rights New York;
- Paul Digiacommo, President of the New York Police Department (NYPD) Detectives' Endowment Association (DEA);
- Joseph Borgen, Victim of anti-Semitic attack in Manhattan;
- Robert F. Holden, New York City Council Member;
- Jim Kessler, Executive Vice President for Policy, Third Way; and
- Rebecca Fischer, Executive Director, New Yorkers Against Gun Violence.

The hearing examined the various policies passed by the New York State Legislature and implemented by Manhattan District Attorney Alvin Bragg, including bail reform. New York passed bail reform legislation in 2019 that prohibited judges from setting cash bail for most misdemeanors and nonviolent felonies and mandated the immediate release of individuals who committed these offenses. The Committee received testimony from victims of crime, law enforcement officers, and local city officials about the crime in New York City and the dangerous laws and policies that are fueling it.

Committee Consideration

On September 19, 2024, the Committee met in open session and ordered the bill, H.R. 8205, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 14 to 9, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee’s consideration of H.R. 8205:

1. Vote on favorably reporting H.R. 8205, as amended – passed 14 ayes to 9 nays.

COMMITTEE ON THE JUDICIARY

Date: 9/19/24

118th CONGRESS

25-19

ROLL CALL

Vote on: Final Passage of HR 8205, as amended

Roll Call #: 1

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. GAETZ (FL)	✓			MR. COHEN (TN)		✓	
MR. BIGGS (AZ)	✓			MR. JOHNSON (GA)			
MR. McCLINTOCK (CA)				MR. SCHIFF (CA)			
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)			
MR. MASSIE (KY)	✓			MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)			
MR. BISHOP (NC)	✓			MR. CORREA (CA)			
MS. SPARTZ (IN)				MS. SCANLON (PA)			
MR. FITZGERALD (WI)	✓			MR. NEGUSE (CO)			
MR. BENTZ (OR)	✓			MS. McBATH (GA)		✓	
MR. CLINE (VA)				MS. DEAN (PA)		✓	
MR. ARMSTRONG (ND)				MS. ESCOBAR (TX)		✓	
MR. GOODEN (TX)				MS. ROSS (NC)		✓	
MR. VAN DREW (NJ)				MS. BUSH (MO)			
MR. NEHLS (TX)				MR. IVEY (MD)		✓	
MR. MOORE (AL)	✓			MS. BALINT (VT)		✓	
MR. KILEY (CA)	✓			MR. GARCIA (IL)		✓	
MS. HAGEMAN (WY)							
MR. MORAN (TX)	✓						
MS. LEE (FL)	✓						
MR. HUNT (TX)							
MR. FRY (SC)							
MR. RULLI (OH)	✓						

Roll Call Totals: Ayes: 14 Nays: 9 Present: _____ Failed: _____

Passed: X

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 8205 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 8205

would define bail bonds as insurance products, which subjects them to federal insurance fraud laws and allows states to enact licensing requirements for corporate, for-profit, and non-profit entities that post bail on behalf of defendants.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 8205 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House Rule XXI.

Federal Mandates Statement

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104-1).

Section-by-Section Analysis

Section 1: Short Title. This Act may be cited as the “Keeping Violent Offenders Off Our Streets Act.”

Section 2: Fraud in Connection with Posting Bail. This section defines bail bonds as insurance products and subjects them to federal insurance fraud laws, background check requirements, and allows states to regulate them.

Changes in Existing Law Made by the Bill, as Reported

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

* * * * *

PART I—CRIMES

* * * * *

CHAPTER 47—FRAUD AND FALSE STATEMENTS

* * * * *

§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and knowingly, with the intent to deceive, makes any false material statement or report or willfully and materially overvalues any land, property or security—

(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner, shall be punished as provided in paragraph (2).

(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court.

(b)(1) Whoever—

(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed \$5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to deceive any person, including any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person, about the financial condition or solvency of such business shall be punished as provided in paragraph (2).

(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years.

(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined

as provided in this title or imprisoned not more than 5 years, or both.

(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

(f) As used in this section—

(1) the term “business of insurance” means—

(A) the writing of insurance (*including the posting of monetary bail, criminal bail bonds, and Federal immigration bail bonds*), or

(B) the reinsuring of risks, by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

(2) the term “insurer” means any entity the business activity of which is the writing of insurance or the reinsuring of risks, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

(3) the term “interstate commerce” means—

(A) commerce within the District of Columbia, or any territory or possession of the United States;

(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

(C) all commerce between points within the same State through any place outside such State; or

(D) all other commerce over which the United States has jurisdiction; and

(4) the term “State” includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

* * * * *

Dissenting Views

[INSERT "D" – DISSENTING VIEWS]