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**By: Delegates Harkins, Dembrow, Bissett, and Turner**

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Bail Bonds - Incarcerated Defendants - Forfeiture**

3 FOR the purpose of allowing the forfeiture of a bail bond to be stricken if return of the  
4 defendant to the jurisdiction of the court is assured at no expense to the State or  
5 local governments; and generally relating to forfeiture of bail bonds.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 616 1/2(e)(3)  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1995 Supplement)

11 Preamble

12 WHEREAS, Prior to October 1, 1994, the law required that in order for a forfeiture  
13 of a bail bond to be stricken when a fugitive defendant was incarcerated in an  
14 out-of-state penal institution, it need only be shown that the return of the defendant to  
15 the State was assured; and

16 WHEREAS, Current law that became effective October 1, 1994 requires that the  
17 defendant be produced or returned to the State before the forfeiture is stricken; and

18 WHEREAS, The law in effect prior to October 1, 1994 both protected the State and  
19 was equitable to bail bondsmen; and

20 WHEREAS, It would serve the interests of justice and fairness to return the law to  
21 its previous state; now, therefore

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 27 - Crimes and Punishments**

25 616 1/2.

26 (e) (3) Evidence of incarceration of a fugitive defendant in any penal institution  
27 within the United States is a wholly sufficient ground to strike out a forfeiture, if [the  
28 defendant upon expiration of his sentence, at no expense to the State, county, or  
29 municipality is produced or returned to the jurisdiction of the court as a result of a

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1 detainer or extradition] RETURN OF THE DEFENDANT TO THE JURISDICTION OF THE  
2 COURT ON EXPIRATION OF THE SENTENCE AT NO EXPENSE TO THE STATE, COUNTY,  
3 OR MUNICIPALITY IS ASSURED.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 1996.