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By: **Delegates Dembrow and K. Kelly**  
Introduced and read first time: February 8, 2001  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 20, 2001

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CHAPTER 259

1 AN ACT concerning

2 **Property Bondsmen - ~~Registration~~ Requirements**

3 FOR the purpose of ~~requiring a property bondsman, for purposes of issuing bail~~  
4 ~~bonds, to meet certain requirements, register and remain in good standing with~~  
5 ~~the District Court, and be included on a certain list; prohibiting a court clerk or~~  
6 ~~commissioner from accepting real estate as security for a bail bond unless the~~  
7 ~~person offering the real estate provides certain documents; specifying the~~  
8 ~~contents of certain documents; requiring the person who takes a certain bond to~~  
9 ~~promptly record a certain document; making it a misdemeanor to act as a~~  
10 ~~property bondsman unless certain conditions are met; providing a certain~~  
11 ~~penalty; defining a certain term; requiring a person who acts as a property~~  
12 ~~bondsman for compensation to provide certain documentation related to the~~  
13 ~~property posted; establishing certain penalties for persons who provide false~~  
14 ~~documentation under certain circumstances; providing that this Act does not~~  
15 ~~apply in a certain judicial circuit; and generally relating to property bondsmen.~~

16 BY repealing and reenacting, with amendments,  
17 Article - Criminal Procedure  
18 Section 5-209  
19 Annotated Code of Maryland  
20 (As enacted by Chapter \_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

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

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**Article - Criminal Procedure**

2 5-209.

3 (a) (1) In this section, "property bondsman" means a person other than a  
4 defendant who:

5 ~~(I) FOR COMPENSATION, executes a bail bond secured by real~~  
6 ~~estate in the State; OR~~

7 ~~(II) EXECUTES IN 1 CALENDAR YEAR AT LEAST 3 BAIL BONDS~~  
8 ~~SECURED BY REAL ESTATE IN THE STATE.~~

9 ~~(2) TO ISSUE BAIL BONDS IN THE DISTRICT COURT, A PROPERTY~~  
10 ~~BONDSMAN SHALL:~~

11 ~~(I) MEET THE REQUIREMENTS OF THE CIRCUIT COURT OR~~  
12 ~~JUDICIAL CIRCUIT WHERE THE PROPERTY BONDSMAN SEEKS TO ISSUE BAIL BONDS;~~

13 ~~(II) REGISTER AND REMAIN IN GOOD STANDING WITH THE~~  
14 ~~DISTRICT COURT; AND~~

15 ~~(III) BE INCLUDED ON THE APPROVED LIST OF PROPERTY~~  
16 ~~BONDSMEN THAT THE DISTRICT COURT MAINTAINS.~~

17 (B) THIS SECTION DOES NOT APPLY IN THE SEVENTH JUDICIAL CIRCUIT.

18 ~~(b)~~ (C) A property bondsman may authorize an agent in writing to execute  
19 on behalf of the property bondsman:

20 (1) a bail bond; and

21 (2) a declaration of trust or deed of trust to secure a bail bond by real  
22 estate.

23 ~~(e)~~ (D) If all other requirements of law are met, a person authorized by law  
24 to take a bail bond shall take a bail bond secured by declaration of trust or deed of  
25 trust on real estate properly executed by an authorized agent of a property bondsman.

26 ~~(D) EXCEPT FOR BAIL BONDS ISSUED BY PROPERTY BONDSMEN IN~~  
27 ~~ACCORDANCE WITH THIS SECTION, A PERSON AUTHORIZED BY LAW TO TAKE A BAIL~~  
28 ~~BOND MAY NOT ACCEPT REAL ESTATE AS SECURITY FOR A BAIL BOND ON BEHALF OF~~  
29 ~~A DEFENDANT, UNLESS THE PERSON WHO OFFERS THE REAL ESTATE PROVIDES:~~

30 ~~(1) AN ORIGINAL OR CERTIFIED COPY OF THE DEED TO THE REAL~~  
31 ~~ESTATE THAT IS BEING USED AS SECURITY FOR THE BAIL BOND;~~

32 ~~(2) DOCUMENTATION FROM THE STATE DEPARTMENT OF ASSESSMENTS~~  
33 ~~AND TAXATION OR THE APPLICABLE DIRECTOR OF FINANCE SETTING FORTH THE~~  
34 ~~CURRENT FULL CASH VALUE OF THE OFFERED REAL ESTATE AND VERIFYING THAT~~  
35 ~~ALL PROPERTY TAXES OF THE OFFERED REAL ESTATE ARE NOT IN ARREARS; AND~~

1           (3)     AN AFFIDAVIT UNDER OATH SIGNED BY THE OWNER OF THE REAL  
2 ESTATE BEING OFFERED AS SECURITY THAT CONTAINS:

3           (I)     A STATEMENT DECLARING THAT COMPENSATION HAS NOT  
4 BEEN AND WILL NOT BE PAID TO THE OWNER IN CONNECTION WITH THE EXECUTION  
5 OF THE BAIL BOND;

6           (II)    A STATEMENT DECLARING THAT THE OFFERED REAL ESTATE  
7 HAS NOT BEEN PLEDGED FOR ANY OTHER BAIL BOND THAT HAS NOT BEEN  
8 RELEASED;

9           (III)   1.     THE CURRENT BALANCE OF A MORTGAGE, DEED OF  
10 TRUST, JUDGMENT, OR OTHER LIEN AGAINST THE OFFERED REAL ESTATE AND  
11 DOCUMENTARY EVIDENCE PROVIDED BY THE OWNER SUPPORTING THE AMOUNT OF  
12 THE ENCUMBRANCE, INCLUDING A CURRENT PAYOFF STATEMENT FROM A LENDER  
13 HOLDING A LIEN; OR

14                   2.     IN BOLD AND CAPITALIZED PRINT, A STATEMENT  
15 INITIALED BY THE OWNER DECLARING THAT THERE IS NO MORTGAGE, DEED OF  
16 TRUST, JUDGMENT, OR OTHER LIEN AGAINST THE OFFERED REAL ESTATE; AND

17           (IV)   AN ACKNOWLEDGMENT THAT A PERSON WHO VIOLATES THIS  
18 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE  
19 NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

20           (E)     THE PERSON WHO ACCEPTS A BAIL BOND SECURED BY REAL ESTATE  
21 SHALL PROMPTLY RECORD THE DECLARATION OF TRUST OF REAL ESTATE AMONG  
22 THE LAND RECORDS OF THE COUNTY IN WHICH THE REAL ESTATE IS LOCATED.

23           (F)     A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
24 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR  
25 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

26           (E)     (1)    A PERSON WHO ACTS AS A PROPERTY BONDSMAN FOR  
27 COMPENSATION SHALL PROVIDE TO THE COURT DOCUMENTATION OF OWNERSHIP,  
28 TAX STATUS, AND LIENS AGAINST THE PROPERTY POSTED.

29                   (2)    A PERSON DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION  
30 WHO WILFULLY PROVIDES FALSE DOCUMENTATION IS GUILTY OF A MISDEMEANOR  
31 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
32 FINE NOT EXCEEDING \$1,000 OR BOTH.

33     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2001.

