

---

By: **Delegates Anderson, Carter, C. Davis, Fulton, Goodwin, Kelly, Oaks,  
and Zirkin**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2004

---

CHAPTER 531

1 AN ACT concerning

2 **Criminal Procedure - Posting of Bail Bonds - Authorization**

3 FOR the purpose of requiring express authorization by a court or District Court  
4 Commissioner before a defendant or surety may post a bail bond by executing  
5 the bond in the full penalty amount and depositing a certain amount with a  
6 court clerk or District Court Commissioner; and generally relating to bail bonds  
7 in circuit court and the District Court.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Procedure  
10 Section 5-203(a) and 5-205(b)  
11 Annotated Code of Maryland  
12 (2001 Volume and 2003 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Criminal Procedure  
15 Section 5-205(a)  
16 Annotated Code of Maryland  
17 (2001 Volume and 2003 Supplement)

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

1

**Article - Criminal Procedure**

2 5-203.

3 (a) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A circuit  
4 court may adopt rules setting the terms and conditions of bail bonds filed in that  
5 court and rules on the qualifications of and fees charged by bail bondsmen.

6 (2) NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE CONTRARY, IF  
7 EXPRESSLY AUTHORIZED BY THE COURT, A DEFENDANT OR A PRIVATE SURETY  
8 ACTING FOR THE DEFENDANT MAY POST A BAIL BOND BY EXECUTING IT IN THE  
9 FULL PENALTY AMOUNT AND DEPOSITING WITH THE CLERK OF COURT THE  
10 GREATER OF 10% OF THE PENALTY AMOUNT OR \$25.

11 (3) A bail bond commissioner may be appointed to carry out rules  
12 adopted under this section.

13 [(3)] (4) A violation of a rule adopted under this section is contempt of  
14 court and shall be punished in accordance with Title 15, Chapter 200 of the Maryland  
15 Rules.

16 [(4)] (5) A person may not engage in the business of becoming a surety  
17 for compensation on bail bonds in criminal cases unless the person is:

18 (i) approved in accordance with any rules adopted under this  
19 section; and

20 (ii) if required under the Insurance Article, licensed in accordance  
21 with the Insurance Article.

22 5-205.

23 (a) A District Court judge may:

24 (1) set bond or bail;

25 (2) release a defendant on personal recognizance or on a personal or  
26 other bail bond;

27 (3) commit a defendant to a correctional facility in default of a bail bond;

28 (4) order a bail bond forfeited if the defendant fails to meet the  
29 conditions of the bond; and

30 (5) exercise all of the powers of a justice of the peace under the  
31 Constitution of 1867.

32 (b) (1) This subsection does not apply to a defendant who has been arrested  
33 for failure to appear in court or for contempt of court.

