
By: **Delegates Parker, Kaiser, McMillan, Niemann, and Ramirez**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Corporate Bail Bondsmen and Property Bail Bondsmen - Qualifications**

3 FOR the purpose of prohibiting persons who have been convicted of certain crimes
4 from being licensed or providing services as corporate bail bondsmen or property
5 bail bondsmen; specifying that certain corporate bail bondsmen and property
6 bail bondsmen may continue to provide their services despite certain prior
7 criminal convictions under certain circumstances; defining certain terms;
8 providing for certain penalties; specifying that this Act does not restrict the
9 application of certain provisions of the Insurance Article; and generally relating
10 to the qualifications of corporate bail bondsmen and property bail bondsmen.

11 BY adding to

12 Article - Criminal Procedure

13 Section 5-203.1

14 Annotated Code of Maryland

15 (2001 Volume and 2004 Supplement)

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

18 **Article - Criminal Procedure**

19 5-203.1.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "CORPORATE BAIL BONDSMAN" MEANS A SURETY AGENT WHO:

23 (I) IS LICENSED BY THE MARYLAND INSURANCE COMMISSIONER
24 TO PROVIDE BAIL BONDSMAN SERVICES; AND

25 (II) IS APPOINTED BY AN INSURER TO SOLICIT, PROCURE,
26 NEGOTIATE, AND EFFECTUATE BAIL BONDS ON BEHALF OF THAT INSURER.

1 (3) "PROPERTY BAIL BONDSMAN" MEANS A PERSON WHO PLEDGES
2 CURRENCY OR REAL OR PERSONAL PROPERTY AS SECURITY FOR A BAIL BOND IN
3 CONNECTION WITH A JUDICIAL PROCEEDING.

4 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
5 MAY NOT BE LICENSED AS OR PROVIDE THE SERVICES OF A CORPORATE BAIL
6 BONDSMAN OR PROPERTY BAIL BONDSMAN IF THE PERSON:

7 (1) HAS BEEN CONVICTED OF A FELONY; OR

8 (2) WITHIN 7 YEARS BEFORE THE DATE THE SERVICES ARE INTENDED
9 TO BEGIN, HAS BEEN CONVICTED OF ANY TWO MISDEMEANORS UNDER TITLE 3,
10 TITLE 4, TITLE 5, OR TITLE 7 OF THE CRIMINAL LAW ARTICLE.

11 (C) A CORPORATE BAIL BONDSMAN OR A PROPERTY BAIL BONDSMAN
12 PROVIDING SERVICES ON OR BEFORE SEPTEMBER 30, 2005, MAY CONTINUE TO
13 PROVIDE THOSE SERVICES UNDER THIS SECTION DESPITE A CRIMINAL CONVICTION
14 THAT OCCURRED ON OR BEFORE SEPTEMBER 30, 2005, IF:

15 (1) IN THE CASE OF A CORPORATE BAIL BONDSMAN:

16 (I) ALL CRIMINAL CONVICTIONS EXISTING AT THE TIME OF
17 INITIAL LICENSING, AND AT THE TIME OF EACH RENEWAL, WERE DISCLOSED IN
18 WRITING TO THE MARYLAND INSURANCE COMMISSIONER; AND

19 (II) A WRITTEN CONSENT, IF REQUIRED UNDER UNITED STATES
20 CODE, TITLE 18, § 1033, WAS ISSUED BY THE MARYLAND INSURANCE COMMISSIONER;
21 AND

22 (2) IN THE CASE OF A PROPERTY BAIL BONDSMAN:

23 (I) ALL CRIMINAL CONVICTIONS EXISTING AT THE TIME OF
24 INITIAL LICENSING OR QUALIFICATION, AND AT THE TIME OF EACH RENEWAL, WERE
25 DISCLOSED IN WRITING TO THE APPROPRIATE BAIL BOND COMMISSIONER; AND

26 (II) A WRITTEN CONSENT, IF APPLICABLE, WAS OBTAINED UNDER
27 UNITED STATES CODE, TITLE 18, § 1033.

28 (D) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS:

29 (1) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE
30 NOT EXCEEDING \$10,000 FOR EACH VIOLATION OR IMPRISONMENT NOT EXCEEDING 5
31 YEARS OR BOTH; AND

32 (2) SUBJECT TO DENIAL, SUSPENSION, OR REVOCATION OF ANY
33 LICENSE OR QUALIFICATION HELD BY A CORPORATE BAIL BONDSMAN OR PROPERTY
34 BAIL BONDSMAN TO PROVIDE BAIL BONDSMAN SERVICES.

35 (E) THIS SECTION DOES NOT RESTRICT THE APPLICATION OF TITLE 10,
36 SUBTITLE 3 OF THE INSURANCE ARTICLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.