

HOUSE BILL 476

E2
HB 551/12 – JUD

3lr2409
CF SB 720

By: **Delegate Simmons**

Introduced and read first time: January 30, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Alien Defendants – Nullity of Bail Bonds**

3 FOR the purpose of providing that, if a defendant who has posted a bail bond is taken
4 into custody and deported by a certain agency of the federal government
5 because of the defendant's immigration status, the bond shall be null and void;
6 providing that any bond that becomes null and void under this Act shall be
7 returned to the surety and the surety shall have no liability with respect to the
8 bond; providing that, if the surety is a compensated surety, the surety shall
9 refund any premium paid in connection with the bond within a certain time
10 after the bond is returned to the surety; and generally relating to bail bonds for
11 alien defendants.

12 BY adding to

13 Article – Criminal Procedure

14 Section 5–206.1

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2012 Supplement)

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

19 **Article – Criminal Procedure**

20 **5–206.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A) IF A DEFENDANT WHO HAS POSTED A BAIL BOND IS TAKEN INTO**
2 **CUSTODY AND DEPORTED BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**
3 **OR ANOTHER AGENCY OF THE FEDERAL GOVERNMENT BECAUSE OF THE**
4 **DEFENDANT'S IMMIGRATION STATUS, THE BOND POSTED BY THE DEFENDANT**
5 **SHALL BE NULL AND VOID.**

6 **(B) ANY BOND THAT BECOMES NULL AND VOID UNDER THIS SECTION**
7 **SHALL BE RETURNED TO THE SURETY AND THE SURETY SHALL HAVE NO**
8 **LIABILITY WITH RESPECT TO THE BOND.**

9 **(C) IF THE SURETY IS A COMPENSATED SURETY, THE SURETY SHALL**
10 **REFUND ANY PREMIUM PAID IN CONNECTION WITH THE BOND WITHIN 5**
11 **BUSINESS DAYS AFTER THE BOND IS RETURNED TO THE SURETY.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.