

## Article - Criminal Procedure

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§5–205.

(a) A District Court judge may:

- (1) set bond or bail;
- (2) release a defendant on personal recognizance or on a personal or other bail bond;
- (3) commit a defendant to a correctional facility in default of a bail bond;
- (4) order a bail bond forfeited if the defendant fails to meet the conditions of the bond; and

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

(b) (1) Except as provided in paragraph (2) of this subsection, if an order setting “cash bail” or “cash bond” specifies that it may be posted by the defendant only, the “cash bail” or “cash bond” may be posted by the defendant, by an individual, or by a private surety, acting for the defendant, that holds a certificate of authority in the State.

(2) Unless otherwise expressly ordered by the court or District Court commissioner, an order setting “cash bail” or “cash bond” for a failure to pay support under Title 10, Title 11, Title 12, or Title 13 of the Family Law Article may be posted by the defendant only.

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

(2) (i) Notwithstanding any other law or rule to the contrary, in a criminal or traffic case in the District Court in which a bail bond has been set and if expressly authorized by the court or District Court commissioner, the defendant or a private surety acting for the defendant may post the bail bond by:

1. executing it in the full penalty amount; and
2. depositing with the clerk of the court or a commissioner the greater of 10% of the penalty amount or \$25.

(ii) A judicial officer may increase the percentage of cash surety required in a particular case but may not authorize a cash deposit of less than \$25.

(3) On depositing the amount required under paragraph (2) of this

subsection and executing the recognizance, the defendant shall be released from custody subject to the conditions of the bail bond.

(d) (1) When all conditions of the bail bond have been performed without default and the defendant has been discharged from all obligations in the cause for which the recognizance was posted, the clerk of the court shall return the deposit to the person or private surety who deposited it.

(2) (i) If the defendant fails to perform any condition of the bail bond, the bail bond shall be forfeited.

(ii) If the bail bond is forfeited, the liability of the bail bond shall extend to the full amount of the bail bond set and the amount posted as a deposit shall be applied to reduce the liability incurred by the forfeiture.

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