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**By: Delegates Harkins, Dembrow, Bissett, and Turner**

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Bail Bonds - Incarcerated Defendants - Forfeiture**

3 FOR the purpose of allowing the forfeiture of a bail bond to be stricken if return of the  
4 defendant to the jurisdiction of the court is assured at no expense to the State or  
5 local governments; and generally relating to forfeiture of bail bonds.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 616 1/2(e)(3)  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1995 Supplement)

11 **Preamble**

12 ~~WHEREAS, Prior to October 1, 1994, the law required that in order for a forfeiture~~  
13 ~~of a bail bond to be stricken when a fugitive defendant was incarcerated in an~~  
14 ~~out-of-state penal institution, it need only be shown that the return of the defendant to~~  
15 ~~the State was assured; and~~

16 ~~WHEREAS, Current law that became effective October 1, 1994 requires that the~~  
17 ~~defendant be produced or returned to the State before the forfeiture is stricken; and~~

18 ~~WHEREAS, The law in effect prior to October 1, 1994 both protected the State and~~  
19 ~~was equitable to bail bondsmen; and~~

20 ~~WHEREAS, It would serve the interests of justice and fairness to return the law to~~  
21 ~~its previous state; now, therefore~~

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

3 **Article 27 - Crimes and Punishments**

4 616 1/2.

5 (e) (3) Evidence of incarceration of a fugitive defendant in any penal institution  
6 within the United States is a wholly sufficient ground to strike out a forfeiture, if [the  
7 defendant upon expiration of his sentence, at no expense to the State, county, or  
8 municipality is produced or returned to the jurisdiction of the court as a result of a  
9 detainer or extradition] RETURN OF THE DEFENDANT TO THE JURISDICTION OF THE  
10 COURT ON EXPIRATION OF THE SENTENCE AT NO EXPENSE TO THE STATE, COUNTY,  
11 OR MUNICIPALITY IS ASSURED.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 1996.