
By: Delegate Hammen

Requested: September 17, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Bail Bonds - Examination for Sufficiency - Required Filing**

3 FOR the purpose of allowing a court, when setting the amount of the collateral security
4 to be required for posting a bail bond, to consider the street value of any controlled
5 dangerous substance connected to or involved in the criminal charge; requiring a
6 court, in determining the reliability of certain persons, to consider the source of the
7 money or other property deposited as collateral security and whether the money or
8 property constitutes the fruit of unlawful conduct; requiring a defendant or surety
9 who deposits \$10,000 or more for posting a bail bond to file with the court a copy of
10 a certain return; and generally relating to bail bonds.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 616 1/2(b)(1) and (f)(1)
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 BY adding to
17 Article 27 - Crimes and Punishments
18 Section 616 1/2(m)
19 Annotated Code of Maryland
20 (1996 Replacement Volume)

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

23 **Article 27 - Crimes and Punishments**

24 616 1/2.

25 (b) (1) Subject to [the provisions of subsection (c)] SUBSECTIONS (C) AND (M)
26 of this section, every District Court judge may set bond or bail or release on personal
27 recognizance, bond, personal or otherwise, commit to jail in default of bond, forfeit bonds
28 upon failure of the defendant to meet the conditions of the bond and exercise all of the
29 powers of justices of the peace under the Constitution of 1867.

1 (f) (1) [The] SUBJECT TO SUBSECTION (M) OF THIS SECTION, THE circuit
2 courts for each of the counties are authorized to prescribe by rule of court the terms and
3 conditions of bail bonds filed in the circuit court for each county respectively. This power
4 includes but is not limited to prescribing the qualifications of and fees charged by
5 bondsmen. A bond commissioner may be appointed to administer the rules of court
6 adopted pursuant to this section. Violations of any rule of court promulgated hereunder
7 shall be considered contempt of court and punished as for contempt. In addition a person
8 may not engage in the business of becoming surety for compensation on bonds in criminal
9 cases until he shall have been approved by such rules as the circuit court may have
10 adopted and, if required under the provisions of Article 48A of the Code, licensed in
11 accordance with Article 48A of the Code.

12 (M) (1) IN SETTING THE AMOUNT OF THE COLLATERAL SECURITY TO BE
13 REQUIRED, THE COURT THAT HEARS THE APPLICATION FOR BAIL MAY CONSIDER
14 THE STREET VALUE OF ANY CONTROLLED DANGEROUS SUBSTANCE CONNECTED
15 TO OR INVOLVED IN THE CRIMINAL CHARGE.

16 (2) IN DETERMINING THE RELIABILITY OF THE DEFENDANT OR
17 SURETY WHO POSTS A BAIL BOND, THE COURT SHALL CONSIDER THE SOURCE OF
18 THE MONEY OR OTHER PROPERTY DEPOSITED BY THE DEFENDANT OR SURETY AS
19 COLLATERAL SECURITY AND WHETHER THE MONEY OR PROPERTY CONSTITUTES
20 THE FRUIT OF UNLAWFUL CONDUCT.

21 (3) A DEFENDANT OR SURETY WHO DEPOSITS \$10,000 OR MORE TO POST
22 A BAIL BOND SHALL FILE WITH THE COURT A COPY OF THE RETURN REQUIRED BY
23 THE INTERNAL REVENUE SERVICE IN CONNECTION WITH A TRANSACTION
24 INVOLVING RECEIPT OF CASH OF \$10,000 OR MORE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1997.