
By: **Delegates K. Kelly and Dembrow**
Introduced and read first time: February 10, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Property Bondsmen - Registration**

3 FOR the purpose of requiring a property bondsman, for purposes of issuing bail
4 bonds, to register and remain in good standing with the District Court; making
5 it a misdemeanor to act as a property bondsman unless certain conditions are
6 met; providing a certain penalty; prohibiting a clerk or commissioner from
7 accepting real estate as security for a bail bond unless the individual offering
8 the real estate provides certain documents; and generally relating to property
9 bondsmen.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 616 1/2B
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 616 1/2B.

19 (a) (1) In this section, "property bondsman" means a person other than a
20 defendant who FOR COMPENSATION, executes a bail bond secured by one or more
21 parcels of real estate in the State.

22 (2) TO ISSUE BAIL BONDS IN THE DISTRICT COURT, A PROPERTY
23 BONDSMAN SHALL:

24 (I) MEET THE REQUIREMENTS OF THE CIRCUIT COURT OR
25 JUDICIAL OR CIRCUIT WHERE THE PROPERTY BONDSMAN SEEKS TO ISSUE BAIL
26 BONDS; AND

27 (II) REGISTER AND REMAIN IN GOOD STANDING WITH THE
28 DISTRICT COURT.

1 (3) A PERSON MAY NOT ACT AS A PROPERTY BONDSMAN UNLESS:

2 (I) ALL OF THE REQUIREMENTS OF THIS SUBSECTION ARE MET;
3 AND

4 (II) THE PERSON ACTING AS A PROPERTY BONDSMAN IS ON THE
5 APPROVED LIST OF PROPERTY BONDSMEN MAINTAINED BY THE DISTRICT COURT.

6 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
7 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
8 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

9 (b) A property bondsman may authorize in writing an agent or agents to
10 execute on behalf of the property bondsman:

11 (1) A bail bond; and

12 (2) A declaration of trust or deed of trust to secure a bail bond by real
13 estate.

14 (c) Provided all other requirements of law are fulfilled, a person authorized by
15 law to take a bail bond shall take a bail bond secured by declaration of trust or deed
16 of trust on real estate properly executed by an authorized agent of a property
17 bondsman.

18 (D) EXCEPT FOR THE ISSUANCE OF BAIL BONDS BY PROPERTY BONDSMEN IN
19 COMPLIANCE WITH THIS SECTION, A CLERK OR COMMISSIONER MAY NOT ACCEPT
20 REAL ESTATE AS SECURITY FOR A BAIL BOND ON BEHALF OF A DEFENDANT, UNLESS
21 THE INDIVIDUAL OFFERING THE REAL ESTATE PROVIDES:

22 (1) A STATEMENT FROM A LICENSED LENDING OR BANKING
23 INSTITUTION SHOWING:

24 (I) THE OFFERED REAL PROPERTY DOES NOT HAVE A LIEN OR
25 INCUMBENCY THAT HAS BEEN PLACED ON IT WITHIN THE PREVIOUS 30 DAYS; OR

26 (II) THE OFFERED REAL PROPERTY HAS AN EQUITY VALUE, WITHIN
27 THE LAST 30 DAYS, EQUAL TO OR GREATER THAN THE VALUE OF THE BOND FOR
28 WHICH THE PROPERTY HAS BEEN OFFERED; AND

29 (2) (I) A STATEMENT FROM THE STATE DEPARTMENT OF
30 ASSESSMENTS AND TAXATION DECLARING THAT ALL PROPERTY TAXES OF THE
31 OFFERED REAL PROPERTY ARE NOT IN ARREARS; OR

32 (II) A SWORN AFFIDAVIT OR OTHER EVIDENCE THAT CONVINCES A
33 CLERK OR COMMISSIONER THAT THE REAL PROPERTY:

34 1. IS CURRENTLY FREE OF LIENS AND ENCUMBRANCES; OR

35 2. HAS AN EQUITY VALUE EQUAL TO OR GREATER THAN THE
36 VALUE OF THE BOND FOR WHICH THE PROPERTY HAS BEEN OFFERED.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.