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By: **Delegates Dembrow and K. Kelly**  
Introduced and read first time: February 8, 2001  
Assigned to: Judiciary

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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 meet certain requirements, register and remain in good standing with  
5 the District Court, and be included on a certain list; prohibiting a court clerk or  
6 commissioner from accepting real estate as security for a bail bond unless the  
7 person offering the real estate provides certain documents; specifying the  
8 contents of certain documents; requiring the person who takes a certain bond to  
9 promptly record a certain document; making it a misdemeanor to act as a  
10 property bondsman unless certain conditions are met; providing a certain  
11 penalty; defining a certain term; and generally relating to property bondsmen.

12 BY repealing and reenacting, with amendments,  
13 Article - Criminal Procedure  
14 Section 5-209  
15 Annotated Code of Maryland  
16 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

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 5-209.

21 (a) (1) In this section, "property bondsman" means a person other than a  
22 defendant who:

23 (I) FOR COMPENSATION, executes a bail bond secured by real  
24 estate in the State; OR

25 (II) EXECUTES IN 1 CALENDAR YEAR AT LEAST 3 BAIL BONDS  
26 SECURED BY REAL ESTATE IN THE STATE.

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

1 (I) MEET THE REQUIREMENTS OF THE CIRCUIT COURT OR  
2 JUDICIAL CIRCUIT WHERE THE PROPERTY BONDSMAN SEEKS TO ISSUE BAIL BONDS;

3 (II) REGISTER AND REMAIN IN GOOD STANDING WITH THE  
4 DISTRICT COURT; AND

5 (III) BE INCLUDED ON THE APPROVED LIST OF PROPERTY  
6 BONDSMEN THAT THE DISTRICT COURT MAINTAINS.

7 (b) A property bondsman may authorize an agent in writing to execute on  
8 behalf of the property bondsman:

9 (1) a bail bond; and

10 (2) a declaration of trust or deed of trust to secure a bail bond by real  
11 estate.

12 (c) If all other requirements of law are met, a person authorized by law to take  
13 a bail bond shall take a bail bond secured by declaration of trust or deed of trust on  
14 real estate properly executed by an authorized agent of a property bondsman.

15 (D) EXCEPT FOR BAIL BONDS ISSUED BY PROPERTY BONDSMEN IN  
16 ACCORDANCE WITH THIS SECTION, A PERSON AUTHORIZED BY LAW TO TAKE A BAIL  
17 BOND MAY NOT ACCEPT REAL ESTATE AS SECURITY FOR A BAIL BOND ON BEHALF OF  
18 A DEFENDANT, UNLESS THE PERSON WHO OFFERS THE REAL ESTATE PROVIDES:

19 (1) AN ORIGINAL OR CERTIFIED COPY OF THE DEED TO THE REAL  
20 ESTATE THAT IS BEING USED AS SECURITY FOR THE BAIL BOND;

21 (2) DOCUMENTATION FROM THE STATE DEPARTMENT OF ASSESSMENTS  
22 AND TAXATION OR THE APPLICABLE DIRECTOR OF FINANCE SETTING FORTH THE  
23 CURRENT FULL CASH VALUE OF THE OFFERED REAL ESTATE AND VERIFYING THAT  
24 ALL PROPERTY TAXES OF THE OFFERED REAL ESTATE ARE NOT IN ARREARS; AND

25 (3) AN AFFIDAVIT UNDER OATH SIGNED BY THE OWNER OF THE REAL  
26 ESTATE BEING OFFERED AS SECURITY THAT CONTAINS:

27 (I) A STATEMENT DECLARING THAT COMPENSATION HAS NOT  
28 BEEN AND WILL NOT BE PAID TO THE OWNER IN CONNECTION WITH THE EXECUTION  
29 OF THE BAIL BOND;

30 (II) A STATEMENT DECLARING THAT THE OFFERED REAL ESTATE  
31 HAS NOT BEEN PLEDGED FOR ANY OTHER BAIL BOND THAT HAS NOT BEEN  
32 RELEASED;

33 (III) 1. THE CURRENT BALANCE OF A MORTGAGE, DEED OF  
34 TRUST, JUDGMENT, OR OTHER LIEN AGAINST THE OFFERED REAL ESTATE AND  
35 DOCUMENTARY EVIDENCE PROVIDED BY THE OWNER SUPPORTING THE AMOUNT OF  
36 THE ENCUMBRANCE, INCLUDING A CURRENT PAYOFF STATEMENT FROM A LENDER  
37 HOLDING A LIEN; OR

1                                   2.           IN BOLD AND CAPITALIZED PRINT, A STATEMENT  
2 INITIALED BY THE OWNER DECLARING THAT THERE IS NO MORTGAGE, DEED OF  
3 TRUST, JUDGMENT, OR OTHER LIEN AGAINST THE OFFERED REAL ESTATE; AND

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

7     (E)     THE PERSON WHO ACCEPTS A BAIL BOND SECURED BY REAL ESTATE  
8 SHALL PROMPTLY RECORD THE DECLARATION OF TRUST OF REAL ESTATE AMONG  
9 THE LAND RECORDS OF THE COUNTY IN WHICH THE REAL ESTATE IS LOCATED.

10     (F)     A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
11 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR  
12 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

13     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2001.