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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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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Property Bondsmen - ~~Registration~~ Requirements**

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; requiring a person who acts as a property~~  
12 ~~bondsman for compensation to provide certain documentation related to the~~  
13 ~~property posted; establishing certain penalties for persons who provide false~~  
14 ~~documentation under certain circumstances; providing that this Act does not~~  
15 ~~apply in a certain judicial circuit; and generally relating to property bondsmen.~~

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

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

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**Article - Criminal Procedure**

2 5-209.

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

5 ~~(I) FOR COMPENSATION, executes a bail bond secured by real~~  
6 ~~estate in the State; OR~~

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

9 ~~(2) TO ISSUE BAIL BONDS IN THE DISTRICT COURT, A PROPERTY~~  
10 ~~BONDSMAN SHALL:~~

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

13 ~~(II) REGISTER AND REMAIN IN GOOD STANDING WITH THE~~  
14 ~~DISTRICT COURT; AND~~

15 ~~(III) BE INCLUDED ON THE APPROVED LIST OF PROPERTY~~  
16 ~~BONDSMEN THAT THE DISTRICT COURT MAINTAINS.~~

17 (B) THIS SECTION DOES NOT APPLY IN THE SEVENTH JUDICIAL CIRCUIT.

18 ~~(b)~~ (C) A property bondsman may authorize an agent in writing to execute  
19 on behalf of the property bondsman:

20 (1) a bail bond; and

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

23 ~~(e)~~ (D) If all other requirements of law are met, a person authorized by law  
24 to take a bail bond shall take a bail bond secured by declaration of trust or deed of  
25 trust on real estate properly executed by an authorized agent of a property bondsman.

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

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

32 ~~(2) DOCUMENTATION FROM THE STATE DEPARTMENT OF ASSESSMENTS~~  
33 ~~AND TAXATION OR THE APPLICABLE DIRECTOR OF FINANCE SETTING FORTH THE~~  
34 ~~CURRENT FULL CASH VALUE OF THE OFFERED REAL ESTATE AND VERIFYING THAT~~  
35 ~~ALL PROPERTY TAXES OF THE OFFERED REAL ESTATE ARE NOT IN ARREARS; AND~~

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

3           ~~(I)     A STATEMENT DECLARING THAT COMPENSATION HAS NOT~~  
4 ~~BEEN AND WILL NOT BE PAID TO THE OWNER IN CONNECTION WITH THE EXECUTION~~  
5 ~~OF THE BAIL BOND;~~

6           ~~(II)    A STATEMENT DECLARING THAT THE OFFERED REAL ESTATE~~  
7 ~~HAS NOT BEEN PLEDGED FOR ANY OTHER BAIL BOND THAT HAS NOT BEEN~~  
8 ~~RELEASED;~~

9           ~~(III)  1.     THE CURRENT BALANCE OF A MORTGAGE, DEED OF~~  
10 ~~TRUST, JUDGMENT, OR OTHER LIEN AGAINST THE OFFERED REAL ESTATE AND~~  
11 ~~DOCUMENTARY EVIDENCE PROVIDED BY THE OWNER SUPPORTING THE AMOUNT OF~~  
12 ~~THE ENCUMBRANCE, INCLUDING A CURRENT PAYOFF STATEMENT FROM A LENDER~~  
13 ~~HOLDING A LIEN; OR~~

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

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

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

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

26           ~~(E)     (1)     A PERSON WHO ACTS AS A PROPERTY BONDSMAN FOR~~  
27 ~~COMPENSATION SHALL PROVIDE TO THE COURT DOCUMENTATION OF OWNERSHIP,~~  
28 ~~TAX STATUS, AND LIENS AGAINST THE PROPERTY POSTED.~~

29           ~~(2)     A PERSON DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION~~  
30 ~~WHO WILFULLY PROVIDES FALSE DOCUMENTATION IS GUILTY OF A MISDEMEANOR~~  
31 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A~~  
32 ~~FINE NOT EXCEEDING \$1,000 OR BOTH.~~

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

