

SENATE BILL 432

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2002 Regular Session
2r1278
CF 2r1279

By: **Senators Kelley and Lawlah**
Introduced and read first time: January 31, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Posting of Bail Bonds - Defendants**

3 FOR the purpose of requiring a circuit court and the District Court to allow a certain
4 defendant to post a bail bond by executing it in the full penalty amount and
5 depositing a certain amount of money with a certain person; requiring a circuit
6 court and the District Court to inform a certain defendant about a certain right;
7 and generally relating to bail bonds in circuit court and the District Court.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Procedure
10 Section 5-203(a) and 5-205
11 Annotated Code of Maryland
12 (2001 Volume)

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

15 **Article - Criminal Procedure**

16 5-203.

17 (a) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A circuit
18 court may adopt rules setting the terms and conditions of bail bonds filed in that
19 court and rules on the qualifications of and fees charged by bail bondsmen.

20 (2) (I) A CIRCUIT COURT SHALL ALLOW THE DEFENDANT TO POST
21 THE BAIL BOND BY:

22 1. EXECUTING IT IN THE FULL PENALTY AMOUNT; AND

23 2. DEPOSITING WITH THE CLERK OF THE COURT THE
24 GREATER OF 10% OF THE PENALTY AMOUNT OR \$25.

25 (II) A CIRCUIT COURT SHALL INFORM THE DEFENDANT OF THE
26 RIGHT TO POST A BAIL BOND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

1 [(2)] (3) A bail bond commissioner may be appointed to carry out rules
2 adopted under this section.

3 [(3)] (4) A violation of a rule adopted under this section is contempt of
4 court and shall be punished in accordance with Title 15, Chapter 200 of the Maryland
5 Rules.

6 [(4)] (5) A person may not engage in the business of becoming a surety
7 for compensation on bail bonds in criminal cases unless the person is:

8 (i) approved in accordance with any rules adopted under this
9 section; and

10 (ii) if required under the Insurance Article, licensed in accordance
11 with the Insurance Article.

12 5-205.

13 (a) A District Court judge may:

14 (1) set bond or bail;

15 (2) release a defendant on personal recognizance or on a personal or
16 other bail bond;

17 (3) commit a defendant to a correctional facility in default of a bail bond;

18 (4) order a bail bond forfeited if the defendant fails to meet the
19 conditions of the bond; and

20 (5) exercise all of the powers of a justice of the peace under the
21 Constitution of 1867.

22 (b) (1) This subsection does not apply to a defendant who has been arrested
23 for failure to appear in court or for contempt of court.

24 [(2)] (i) In a criminal or traffic case in the District Court in which a bail
25 bond has been set, the defendant or a private surety acting for the defendant may post
26 the bail bond by:

27 1. executing it in the full penalty amount; and

28 2. depositing with the clerk of the court or a commissioner
29 the greater of 10% of the penalty amount or \$25.]

30 (2) (I) IN A CRIMINAL OR TRAFFIC CASE IN THE DISTRICT COURT IN
31 WHICH A BAIL BOND HAS BEEN SET, THE DISTRICT COURT SHALL ALLOW THE
32 DEFENDANT TO POST THE BAIL BOND BY:

33 1. EXECUTING IT IN THE FULL PENALTY AMOUNT; AND

