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(II)

2002 Regular Session 2lr1278 CF 2lr1279

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 defendant to post a bail bond by executing it in the full penalty amount and 4 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; and generally relating to bail bonds in circuit court and the District Court. 7 BY repealing and reenacting, with amendments, 8 Article - Criminal Procedure 10 Section 5-203(a) and 5-205 Annotated Code of Maryland 11 12 (2001 Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 13 14 MARYLAND, That the Laws of Maryland read as follows: 15 **Article - Criminal Procedure** 16 5-203. 17 [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A circuit (a) (1) 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. A CIRCUIT COURT SHALL ALLOW THE DEFENDANT TO POST 20 21 THE BAIL BOND BY: 1. 22 EXECUTING IT IN THE FULL PENALTY AMOUNT; AND DEPOSITING WITH THE CLERK OF THE COURT THE 23 2. 24 GREATER OF 10% OF THE PENALTY AMOUNT OR \$25.

26 RIGHT TO POST A BAIL BOND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

A CIRCUIT COURT SHALL INFORM THE DEFENDANT OF THE

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1 2	adopted under the		(3) tion.	A bail b	ond commission	er may be a	ppointed to	carry out r	rules	
	[(3 court and shall I Rules.		(4) ished in a		on of a rule ado				ot of	
6 7	[(4 for compensation	/	(5) ail bonds		n may not engag nal cases unless			oming a su	ırety	
8 9	section; and		(i)	approve	l in accordance	with any rul	es adopted	under this		
10 11	with the Insura		(ii) ticle.	if requir	ed under the Insu	urance Artic	le, licensed	in accorda	ance	
12	5-205.									
13	(a) A District Court judge may:									
14	(1	)	set bond	or bail;						
15 16	other bail bond		release a	defenda	nt on personal re	ecognizance	or on a per	sonal or		
17	(3	)	commit	a defenda	nt to a correctio	nal facility i	n default o	f a bail bor	nd;	
18 19		(4) order a bail bond forfeited if the defendant fails to meet the conditions of the bond; and								
20 21	(5 Constitution of		exercise	all of the	powers of a jus	tice of the p	eace under	the		
22 23	(b) (1 for failure to ap	*			oes not apply to empt of court.	a defendant	who has b	een arreste	d	
	bond has been the bail bond by	set, the	(i) defenda		inal or traffic ca				a bail	
27				1.	executing it in t	he full pena	lty amount;	; and		
28 29	the greater of 1	0% of	the pena	2. lty amou	depositing with nt or \$25.]	the clerk of	the court o	or a commi	ssioner	
	(2 WHICH A BA DEFENDANT	IL BO		BEEN S						
33				1.	EXECUTING I	T IN THE F	TULL PENA	ALTY AM	OUNT: AND	

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1 2	2. DEPOSITING WITH THE CLERK OF THE COURT OR A COMMISSIONER THE GREATER OF 10% OF THE PENALTY AMOUNT OR \$25.
3 4	(II) A DISTRICT COURT SHALL INFORM A DEFENDANT OF THE RIGHT TO POST A BAIL BOND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.
5 6	(III) A PRIVATE SURETY ACTING FOR THE DEFENDANT MAY POST THE BAIL BOND UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH.
7 8	[(ii)] (IV) A judge may increase the percentage of cash surety required in a particular case but may not authorize a cash deposit of less than \$25.
	(3) On depositing the amount required under paragraph (2) of this subsection and executing the recognizance, the defendant shall be released from custody subject to the conditions of the bail bond.
14	(c) (1) When all conditions of the bail bond have been performed without default and the defendant has been discharged from all obligations in the cause for which the recognizance was posted, the clerk of the court shall return the deposit to the person or private surety who deposited it.
16 17	(2) (i) If the defendant fails to perform any condition of the bail bond, the bail bond shall be forfeited.
	(ii) If the bail bond is forfeited, the liability of the bail bond shall extend to the full amount of the bail bond set and the amount posted as a deposit shall be applied to reduce the liability incurred by the forfeiture.
21 22	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.