

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 792  
Judiciary

(Delegate Gladden)

---

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

---

This bill specifies that in either a circuit court or District Court, a defendant may post a bail bond by executing it in the full penalty amount and depositing with the clerk of court the greater of 10% of the bond or \$25. The bill requires the courts to notify defendants of this right.

---

**Fiscal Summary**

**State Effect:** This bill is clarifying in nature and is not expected to have any material impact on governmental operations or finances.

**Local Effect:** None -- see above.

**Small Business Effect:** Minimal. Private surety companies could receive less business from defendants who choose to post bond themselves after being specifically informed of this right.

---

**Analysis**

**Current Law:** In a criminal or traffic case in District Court in which a bail bond has been set, the defendant or a private surety on the defendant's behalf may post the bail bond by executing it in the full penalty amount and depositing with the clerk of the court or a commissioner the greater of 10% of the penalty amount or \$25. 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.

A circuit court may adopt rules setting the terms and conditions of bail bonds filed in that court and rules on the qualifications of and fees charged by bail bondsmen.

**Background:** The vast majority of bonds posted in Maryland are posted in the District Court which accepts bonds in the clerk's office during office hours and through District Court commissioners at all other times. Circuit courts only accept bonds in the clerk's office during office hours.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 432 (Senators Kelley and Lawlah) – Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2002  
ncs/cer

---

Analysis by: Debra A. Dickstein

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510