

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 432 (Senators Kelley and Lawlah)
Judicial Proceedings

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: HB 792 (Delegate Gladden) – Judiciary.

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 1, 2002
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