
By: **Delegates Anderson, Carter, C. Davis, Fulton, Goodwin, Kelly, Oaks,
and Zirkin**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring express authorization by a court before a defendant or
4 surety may post a bail bond by executing the bond in the full penalty amount
5 and depositing a certain amount with a court clerk or District Court
6 Commissioner; and generally relating to bail bonds in circuit court and the
7 District Court.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Procedure
10 Section 5-203(a) and 5-205(b)
11 Annotated Code of Maryland
12 (2001 Volume and 2003 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Procedure
15 Section 5-205(a)
16 Annotated Code of Maryland
17 (2001 Volume and 2003 Supplement)

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

20 **Article - Criminal Procedure**

21 5-203.

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

25 (2) IF EXPRESSLY AUTHORIZED BY THE COURT, A DEFENDANT OR A
26 PRIVATE SURETY ACTING FOR THE DEFENDANT MAY POST A BAIL BOND BY

1 EXECUTING IT IN THE FULL PENALTY AMOUNT AND DEPOSITING WITH THE CLERK
2 OF COURT THE GREATER OF 10% OF THE PENALTY AMOUNT OR \$25.

3 (3) A bail bond commissioner may be appointed to carry out rules
4 adopted under this section.

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

8 [(4)] (5) A person may not engage in the business of becoming a surety
9 for compensation on bail bonds in criminal cases unless the person is:

10 (i) approved in accordance with any rules adopted under this
11 section; and

12 (ii) if required under the Insurance Article, licensed in accordance
13 with the Insurance Article.

14 5-205.

15 (a) A District Court judge may:

16 (1) set bond or bail;

17 (2) release a defendant on personal recognizance or on a personal or
18 other bail bond;

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

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

22 (5) exercise all of the powers of a justice of the peace under the
23 Constitution of 1867.

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

26 (2) (i) In a criminal or traffic case in the District Court in which a bail
27 bond has been set AND IF EXPRESSLY AUTHORIZED BY THE COURT, the defendant or
28 a private surety acting for the defendant may post the bail bond by:

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

30 2. depositing with the clerk of the court or a commissioner
31 the greater of 10% of the penalty amount or \$25.

32 (ii) A judge may increase the percentage of cash surety required in
33 a particular case but may not authorize a cash deposit of less than \$25.

1 (3) On depositing the amount required under paragraph (2) of this
2 subsection and executing the recognizance, the defendant shall be released from
3 custody subject to the conditions of the bail bond.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2004.