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

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

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

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

Article - Criminal Procedure

1
2 5-203.

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

6 (2) NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE CONTRARY, IF
7 EXPRESSLY AUTHORIZED BY THE COURT, A DEFENDANT OR A PRIVATE SURETY
8 ACTING FOR THE DEFENDANT MAY POST A BAIL BOND BY EXECUTING IT IN THE
9 FULL PENALTY AMOUNT AND DEPOSITING WITH THE CLERK OF COURT THE
10 GREATER OF 10% OF THE PENALTY AMOUNT OR \$25.

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

13 [(3)] (4) A violation of a rule adopted under this section is contempt of
14 court and shall be punished in accordance with Title 15, Chapter 200 of the Maryland
15 Rules.

16 [(4)] (5) A person may not engage in the business of becoming a surety
17 for compensation on bail bonds in criminal cases unless the person is:

18 (i) approved in accordance with any rules adopted under this
19 section; and

20 (ii) if required under the Insurance Article, licensed in accordance
21 with the Insurance Article.

22 5-205.

23 (a) A District Court judge may:

24 (1) set bond or bail;

25 (2) release a defendant on personal recognizance or on a personal or
26 other bail bond;

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

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

30 (5) exercise all of the powers of a justice of the peace under the
31 Constitution of 1867.

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

1 (2) (i) ~~It~~ NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE
2 CONTRARY, IN a criminal or traffic case in the District Court in which a bail bond has
3 been set AND IF EXPRESSLY AUTHORIZED BY THE COURT OR DISTRICT COURT
4 COMMISSIONER, the defendant or a private surety acting for the defendant may post
5 the bail bond by:

6 1. executing it in the full penalty amount; and
7 2. depositing with the clerk of the court or a commissioner
8 the greater of 10% of the penalty amount or \$25.

9 (ii) A ~~judge~~ JUDICIAL OFFICER may increase the percentage of cash
10 surety required in a particular case but may not authorize a cash deposit of less than
11 \$25.

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

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