

HOUSE BILL 421

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8lr1792

By: **Delegates Costa, Dwyer, Elliott, George, King, Kipke, Krebs, and Schuh**
Introduced and read first time: January 28, 2008
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Bail Bonds – Mike’s Law**

3 FOR the purpose of prohibiting a bail bondsman or an agent of a bail bondsman from
4 offering or providing bail bonds to a defendant for less than a certain percentage
5 of the penalty amount of the bond to be posted or on a payment plan in which at
6 least a certain percentage of the penalty amount of the bond to be posted is not
7 received by the bail bondsman from the defendant prior to the bond being
8 posted; providing penalties for a violation of this Act; providing that a person
9 convicted of a violation of this Act shall be referred to the Insurance
10 Commissioner for appropriate action; defining certain terms; and generally
11 relating to bail bonds.

12 BY adding to
13 Article – Criminal Procedure
14 Section 5–210.1
15 Annotated Code of Maryland
16 (2001 Volume and 2007 Supplement)

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

19 **Article – Criminal Procedure**

20 **5–210.1.**

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
22 MEANINGS INDICATED.

23 (2) “AGENT” MEANS A PERSON THAT ACTS OR IS AUTHORIZED TO
24 ACT AS THE REPRESENTATIVE OF A BAIL BONDSMAN.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(3) (I) "BAIL BONDSMAN" MEANS A LICENSED LIMITED**
2 **SURETY AGENT OR A LICENSED PROFESSIONAL BAIL BONDSMAN.**

3 **(II) "BAIL BONDSMAN" DOES NOT INCLUDE A PERSON THAT**
4 **CONTRACTS WITH A PUBLIC AGENCY TO PROVIDE BAIL BONDS TO PERSONS**
5 **DETAINED IN A CORRECTIONAL FACILITY.**

6 **(B) A BAIL BONDSMAN OR AN AGENT OF A BAIL BONDSMAN MAY NOT**
7 **OFFER OR PROVIDE BAIL BONDS TO A DEFENDANT:**

8 **(1) FOR LESS THAN 10% OF THE PENALTY AMOUNT OF THE BOND**
9 **TO BE POSTED; OR**

10 **(2) ON A PAYMENT PLAN IN WHICH AT LEAST 10% OF THE**
11 **PENALTY AMOUNT OF THE BOND TO BE POSTED IS NOT RECEIVED BY THE BAIL**
12 **BONDSMAN FROM THE DEFENDANT PRIOR TO THE BOND BEING POSTED.**

13 **(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS**
14 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

15 **(1) A FINE NOT EXCEEDING \$100 FOR A FIRST OFFENSE; OR**

16 **(2) A FINE NOT EXCEEDING \$1,000 FOR A SUBSEQUENT OFFENSE.**

17 **(D) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS**
18 **SECTION SHALL BE REFERRED TO THE INSURANCE COMMISSIONER FOR**
19 **APPROPRIATE ACTION.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2008.**