

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 940

(Senator Conway)

Judicial Proceedings

Bail Bonds - Time of Payment

This bill authorizes a defendant or a defendant's surety who posts a bail bond in the circuit court in an amount that is 10% of the penalty amount to deposit half of the amount with the agent of the surety immediately and the other half within six months after the first amount was deposited. The bill extends the same installment plan to a defendant or the defendant's surety who posts a bail bond in the District Court that is a percentage of the penalty amount.

Fiscal Summary

State Effect: None. The bill does not affect the amount of bail received by the District Court.

Local Effect: None. The bill does not affect the amount of bail received by the circuit courts.

Small Business Effect: Potential meaningful impact on bail bondsmen who receive: (1) more clients as a result of the bill's creation of a reduced deposit for defendants who use sureties; or (2) reduced initial deposits from defendants as a result of the bill.

Analysis

Current Law: 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. If expressly authorized by the court, a defendant or a private surety acting for the 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 penalty amount or \$25.

Other than for a defendant who has been arrested for failure to appear in court or for contempt of court, in a criminal or traffic case in the District Court in which a bail bond has been set and if expressly authorized by the court or District Court commissioner, the defendant or a private surety acting for the defendant may post the bail bond by (1) executing it in the full penalty amount; and (2) depositing with the clerk of the court or a commissioner the greater of 10% of the penalty amount or \$25. A judicial officer may increase the percentage of cash surety required in a particular case but may not authorize a cash deposit of less than \$25.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Insurance Administration, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - March 21, 2011
mm/kdm

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