

HOUSE BILL 551

E2

2lr2177

By: **Delegate Simmons**

Introduced and read first time: February 3, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Alien Defendants – Nullity of Bail Bonds**

3 FOR the purpose of providing that, if a defendant who has posted a bail bond is taken
4 into custody by a certain agency of the federal government because of the
5 defendant's immigration status, the bond shall be null and void; providing that
6 any bond that becomes null and void under this Act shall be returned to the
7 surety and the surety shall have no liability with respect to the bond; providing
8 that, if the surety is a compensated surety, the surety shall refund any premium
9 paid in connection with the bond within a certain time after the bond is
10 returned to the surety; and generally relating to bail bonds for alien defendants.

11 BY adding to

12 Article – Criminal Procedure

13 Section 5–206.1

14 Annotated Code of Maryland

15 (2008 Replacement Volume and 2011 Supplement)

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

18 **Article – Criminal Procedure**

19 **5–206.1.**

20 **(A) IF A DEFENDANT WHO HAS POSTED A BAIL BOND IS TAKEN INTO**
21 **CUSTODY BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OR ANOTHER**
22 **AGENCY OF THE FEDERAL GOVERNMENT BECAUSE OF THE DEFENDANT'S**
23 **IMMIGRATION STATUS, THE BOND POSTED BY THE DEFENDANT SHALL BE NULL**
24 **AND VOID.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) ANY BOND THAT BECOMES NULL AND VOID UNDER THIS SECTION**
2 **SHALL BE RETURNED TO THE SURETY AND THE SURETY SHALL HAVE NO**
3 **LIABILITY WITH RESPECT TO THE BOND.**

4 **(C) IF THE SURETY IS A COMPENSATED SURETY, THE SURETY SHALL**
5 **REFUND ANY PREMIUM PAID IN CONNECTION WITH THE BOND WITHIN 5**
6 **BUSINESS DAYS AFTER THE BOND IS RETURNED TO THE SURETY.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2012.