

Chapter 762

(Senate Bill 687)

AN ACT concerning

Criminal Procedure – Bail Bonds – Seventh Judicial Circuit

FOR the purpose of repealing certain provisions of law relating to bail bonds in the Seventh Judicial Circuit; and generally relating to bail bonds in the Seventh Judicial Circuit.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 5–203 and 5–209
 Annotated Code of Maryland
 (2018 Replacement Volume and 2023 Supplement)

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

Article – Criminal Procedure

5–203.

(a) (1) Subject to paragraphs (2) and (3) of this subsection, 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.

(2) Notwithstanding any other law or rule to the contrary, 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.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, if an order setting “cash bail” or “cash bond” specifies that it may be posted by the defendant only, the “cash bail” or “cash bond” may be posted by the defendant, by an individual, or by a private surety, acting for the defendant, that holds a certificate of authority in the State.

(ii) Unless otherwise ordered by the court, an order setting “cash bail” or “cash bond” for a failure to pay support under Title 10, Title 11, Title 12, or Title 13 of the Family Law Article may be posted by the defendant only.

[(4)] (B) (1) A bail bond commissioner may be appointed to carry out rules adopted under this section.

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

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

[(i)] (1) approved in accordance with any rules adopted under this section; and

[(ii)] (2) if required under the Insurance Article, licensed in accordance with the Insurance Article.

[(b)] (1) In the circuit courts in the Seventh Judicial Circuit, a bail bondsman approved under subsection (a) of this section shall pay a license fee of 1% of the gross value of all bail bonds written in all courts of the circuit, if the fee is approved by the court of the county in which it applies.

(2) The fee shall be paid to the court as required by the rules of court and shall be used to pay the expenses of carrying out this section.

(3) Any absolute bail bond forfeitures collected may be used to pay the expenses of carrying out this section.]

5–209.

(a) In this section, “property bondsman” means a person other than a defendant who executes a bail bond secured by real estate in the State.

(b) [This section does not apply in the Seventh Judicial Circuit.

(c)] A property bondsman may authorize an agent in writing to execute on behalf of the property bondsman:

(1) a bail bond; and

(2) a declaration of trust or deed of trust to secure a bail bond by real estate.

[(d)] (C) If all other requirements of law are met, a person authorized by law to take a bail bond shall take a bail bond secured by declaration of trust or deed of trust on real estate properly executed by an authorized agent of a property bondsman.

[(e)] (D) **(1)** A person who acts as a property bondsman for compensation shall provide to the court documentation of ownership, tax status, and liens against the property posted.

(2) A person described under paragraph (1) of this subsection who willfully provides false documentation is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.