

SENATE BILL 687

D2

4lr1950

By: **Senator Smith (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 29, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Bail Bonds – Seventh Judicial Circuit**

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

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Procedure
7 Section 5–203 and 5–209
8 Annotated Code of Maryland
9 (2018 Replacement Volume and 2023 Supplement)

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

12 **Article – Criminal Procedure**

13 5–203.

14 (a) (1) Subject to paragraphs (2) and (3) of this subsection, a circuit court may
15 adopt rules setting the terms and conditions of bail bonds filed in that court and rules on
16 the qualifications of and fees charged by bail bondsmen.

17 (2) Notwithstanding any other law or rule to the contrary, if expressly
18 authorized by the court, a defendant or a private surety acting for the defendant may post

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 a bail bond by executing it in the full penalty amount and depositing with the clerk of court
2 the greater of 10% of the penalty amount or \$25.

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

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

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

12 [(5) (2) A violation of a rule adopted under this section is contempt of
13 court and shall be punished in accordance with Title 15, Chapter 200 of the Maryland
14 Rules.

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

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

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

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

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

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

29 5–209.

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

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

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

3 (1) a bail bond; and

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.