



HOUSE BILL 252: Modify Surety/Bail Bond/Bondsmen Provisions.

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 14, 2022
Introduced by:	Reps. McNeill, C. Smith, Richardson, Greene	Prepared by:	Bill Patterson
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: *House Bill 252 would:*

- *Revise the qualifications and examination requirements for bail bondsmen and runners.*
- *Modify the grounds for setting aside a bail bond forfeiture and make conforming changes to the disclosures required to be contained in a notice of forfeiture.*

CURRENT LAW:

U.S. citizenship or legal resident status are not currently qualifications for licensure as a bail bondsman or runner in this State.

An applicant for a license as a professional bondsman, surety bondsman, or runner is eligible to take the required examination 30 days after the Insurance Commissioner receives the application. An applicant who fails the examination must wait at least one year before taking it again.

If a defendant who was released upon execution of a bail bond fails to appear before the court as required, the court will enter a forfeiture of the amount of the bail bond. A copy of the notice of forfeiture must be sent to the defendant and to each surety on the bail bond by first-class mail not later than the 30th day after the date the defendant failed to appear. If the notice is not given within this time, the forfeiture does not become a final judgment and is unenforceable.

The notice of forfeiture must contain a disclosure setting forth the grounds upon which it will be set aside if sufficient evidence supporting those grounds is presented to the court before the date the judgment of forfeiture becomes final. If the court before which a defendant's appearance was secured by a bail bond enters an order striking a defendant's failure to appear and recalling any order for arrest issued for that failure to appear, the court is permitted, but not required, to set aside any forfeiture of that bail bond.

BILL ANALYSIS:

Section 1 of the PCS would require an applicant for licensure as a bail bondsman or runner to be a legal resident or a documented citizen of the United States.

Section 2 would permit an applicant who fails an examination to be licensed as a professional bondsman, surety bondsman, or runner to retake the examination within 90 days, upon payment of an additional examination fee. Section 2 would also require an applicant who fails the reexamination to file a new application to be examined again and to wait at least one year after the failed reexamination to file the new application.

Section 3.(a) would require a forfeiture to disclose the following additional grounds for setting it aside:

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- That the defendant was incarcerated at any time between the failure to appear and the final judgment of forfeiture in a local, state, or federal detention center, jail, or prison within the United States.¹
- That notice of forfeiture was not given within 30 days after the failure to appear.
- That the court refused to issue an order for arrest for the defendant's failure to appear.

Section 3.(b) would provide two additional grounds for setting aside a forfeiture:

- That the notice of forfeiture was not given within 30 days after the failure to appear.
- That the court refused to issue an order for arrest for the defendant's failure to appear.

Section 3.(b) would also require the forfeiture of a bail bond to be set aside if the court before which a defendant's appearance was secured by the bail bond enters an order striking the failure to appear and recalling any order for arrest issued for that failure to appear.

EFFECTIVE DATE: Section 3 of this act would become effective December 1, 2022, and would apply to forfeitures entered on or after that date. The remainder of this act would be effective when it becomes law, and Section 1 would apply to applications submitted on or after that date.

Jennifer Bedford, former co-counsel to the Senate Judiciary Committee, substantially contributed to this summary.

¹ This ground for setting aside a forfeiture was added by Section 6.1 of [S.L. 2018-120](#).