



SENATE BILL 550: Modify Surety/Bail Bond/Bondsmen Provisions.

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	September 8, 2021
Introduced by:	Sens. Britt, Craven, Lazzara	Prepared by:	*Jennifer Bedford Staff Attorney
Analysis of:	PCS to First Edition S550-CSTT-28		

OVERVIEW: *The PCS for Senate Bill 550 would amend the qualifications and examination requirements for bail bondsmen and runners, and would modify requirements for setting aside bail bond forfeitures.*

CURRENT LAW:

U.S. citizenship is not currently a qualification 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 set 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, which is 150 days after the notice is given.

BILL ANALYSIS:

Section 1 of the bill would add U.S. citizenship or legal resident status to the qualifications that must be met by applicants for licensure as a bail bondsman or runner.

Section 2 would provide that if an applicant for a license as a professional bondsman, surety bondsman, or runner fails an examination, the applicant is permitted to retake the examination within 90 days upon payment of an additional examination fee. Section 2 would also provide that if the applicant fails the reexamination, the applicant must file a new application to be examined again, and must wait at least one year after the failed reexamination to file the new application.

Section 3 would:

- Define “charitable bail organization.”
- Require each surety’s name and address and he name and address of the charitable bail organization if the surety is acting on an organization, to be collected by the court at the execution of the bond.

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- Require the name and address of the charitable bail organization if any surety acted on behalf of an organization, be collected by the court at the time of forfeiture.
- Require the notice of forfeiture to include a disclosure that one of the grounds for setting aside a forfeiture is 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
- Direct AOC to compile and compare the numbers of total bonds to total bonds by charitable bail organizations, and total forfeitures to forfeitures of bonds by charitable bail organizations.

Section 3 would also 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.

EFFECTIVE DATE: Section 3 is effective December 1, 2021, and applies to bonds executed and forfeitures entered, on or after that date. This remainder of the act is effective when it becomes law.

**Staff Attorney Bill Patterson contributed substantially to this summary.*

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