

1

BILL ORDER

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AN ACT concerning

3

Bail Bonds

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For the purpose of consolidating the provisions for licensure of bail and property bondsmen; making conforming changes in provisions relating to provision of private detective services; providing for fees in connection with licensure; providing for allocation of those fees to certain purposes; providing for a commission for the Maryland Insurance Commissioner with regard to forfeitures; recodifying as public general laws certain provisions of public local laws relating to disposition of fines and forfeitures and deleting certain duplicative or obsolete public local laws; transferring certain power relating to writs of execution from a State's attorney to the Maryland Insurance Commissioner; recodifying provisions relating to areas in which bail bond services are not to be provided; deleting a reference to forfeiture of a bond by a District Court Commissioner;

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1 BY repealing and reenacting, with amendments,

2 Article – Business Occupations and Professions

3 Section 13-101(j)(1)(iv)

4 Annotated Code of Maryland

5 (2004 Replacement Volume)

6 BY repealing and reenacting, with amendments,

7 Article – Courts and Judicial Proceedings

8 Section 7-507 and 11-513

9 Annotated Code of Maryland

10 (19_ Replacement Volume and 2004 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Criminal Procedure

13 Section 5-203 and 9-118

14 Annotated Code of Maryland

15 (19_ Replacement Volume and 2004 Supplement)

16 BY repealing

17 Article – Criminal Procedure

18 Section 5-204(c), 5-209, and 5-210

1 Annotated Code of Maryland

2 (19_ Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,

4 Article – Courts and Judicial Proceedings

5 Section 7-507 and 11-513

6 Annotated Code of Maryland

7 (19_ Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article – Insurance

10 Section 1-205, 2-112, 2-505(b), 10-301, 10-304, 10-305

11 Annotated Code of Maryland

12 (19_ Replacement Volume and 2004 Supplement)

13 BY repealing

14 Article – Insurance

15 Section 10-302, 10-303

16 Annotated Code of Maryland

17 (19_ Replacement Volume and 2004 Supplement)

18 BY adding to

1 Article – Insurance

2 Section 10-302, 10-303 ETC.

3 Annotated Code of Maryland

4 (19_ Replacement Volume and 2004 Supplement)

5 BY repealing public local laws ...

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

8 **Business Occupations and Professions Article**

9 13-101.

10 (j) (1) "Provide private detective services" means to provide, for compensation,
11 the service of:

12 (iv) conducting an investigation to locate or apprehend a fugitive
13 from justice, unless the person:

14 1. conducting the investigation is a [property] bail bondsman
15 [or] licensed by the STATE Insurance Commissioner [of the State] or a similar licensing
16 body of another state [as a bail bondsman];

17 2. is an employee of a [property bail bondsman or a] licensed
18 bail bondsman for the purpose of locating or apprehending fugitives from justice; or

19 3. is authorized as an agent by a [property bail bondsman or]
20 licensed bail bondsman in advance of the apprehension of a fugitive from justice.

21 **Courts and Judicial Proceedings**

22 7-507.

1 (a) (1) This section does not apply to [Anne Arundel, Howard, and] Somerset
2 [Counties].

3 (2) This section does not apply to fines imposed in gambling cases in
4 Baltimore County.

5 (b) Except as provided in subsection (c) of this section, the fines imposed by and
6 recognizances **OR BAIL BONDS** forfeited to each circuit court shall be distributed as
7 follows:

8 (1) 50% to the clerk of the circuit court, to be used under the direction of
9 the judges of the circuit court to augment the court library; [and]

10 (2) 5% to the clerk of the circuit court as a commission **ON FINES; AND**

11 (3) **5% TO THE MARYLAND INSURANCE COMMISSIONER AS**
12 **A COMMISSION ON FORFEITURES.**

13 (c) (1) **IN ALLEGANY COUNTY, IF THE AMOUNT UNDER**
14 **SUBSECTION (B)(1) OF THIS SECTION IS INSUFFICIENT, THE COUNTY**
15 **COMMISSIONERS SHALL PAY TO THE CLERK ADDITIONAL SUMS OF AT**
16 **LEAST \$ 3,000 A YEAR, AS THE JUDGES OF THE CIRCUIT COURT REQUEST.**

17 TASK FORCE NOTE: This paragraph is new and derived from Allegany County Public
18 Local Laws, § 32-10.

19 (2) **THE JUDGES OF THE CIRCUIT COURT FOR ANNE**
20 **ARUNDEL COUNTY MAY DIRECT THE CLERK TO USE MONEY UNDER**
21 **SUBSECTION (B)(1) OF THIS SECTION FOR ANY EXPENSE OR PURPOSE**
22 **THAT THE JUDGES FIND NECESSARY AND PROPER IN CONNECTION WITH**
23 **OPERATION OF THE COURT, INCLUDING THE PURCHASE OF BOOKS,**
24 **REFURNISHING OR REPAIR OF FURNITURE IN COURTROOMS AND**
25 **LIBRARY, AND OTHER.**

26 TASK FORCE NOTE: This paragraph is new and derived from Anne Arundel County Public
27 Local Laws, Article 4, § 4-101.

1 **(3)** In Calvert County, if the county administrative circuit court judge
2 determines that the amount under subsection (b)(1) of this section exceeds the needs of the
3 library, excess amounts may be used for other needs of the Circuit Court for Calvert County
4 if the judge provides the county commissioners with an annual report documenting how the
5 excess amount is used.

6 ~~[(2)]~~ **(4)** In Carroll County, in addition to the amount under subsection (b)
7 of this section, the County Commissioners shall appropriate and pay to the clerk of the
8 Circuit Court for Carroll County \$1,800, plus any additional amount that the County
9 Commissioners determine, for library support and maintenance, including books and library
10 equipment, to be used under the direction of the judges of the Circuit Court for Carroll
11 County.

12 ~~[(3)]~~ **(5)** In Cecil County:

13 (i) in any year in which the amount provided to the court library
14 under subsection (b) of this section and the attorney appearance fees under § 7-204 of this
15 title:

16 1. Is less than \$10,000, the county commissioners shall pay
17 to the clerk of the court the amount necessary to bring the total to \$10,000, plus any amount
18 the county commissioners determine is reasonable for the library maintenance, to be used
19 under the direction of the judges of the Circuit Court for Cecil County; or

20 2. Exceeds the amount necessary for library maintenance,
21 the Cecil County Bar and Library Association, Inc. may transfer the excess money to the
22 Cecil County Bar Foundation, Inc. to be used for charitable and educational purposes in
23 accordance with the bylaws of the Foundation; and

24 (ii) All amounts paid under this section shall be used under the
25 direction of the judges of the Circuit Court for Cecil County in consultation with the law
26 library committee of the Cecil County Bar and Library Association, Inc.

27 ~~[(4)]~~ **(6)** In Charles County, in any year in which the amount under
28 subsection (b) of this section is less than \$3,000, the county commissioners shall pay to the
29 clerk of the Circuit Court for Charles County the amount necessary to bring the total to
30 \$3,000, plus any amount the county commissioners determine is reasonable for library

1 maintenance, to be used under the direction of the judges of the Circuit Court for Charles
2 County, who reside in the county.

3 **(7) IN FREDERICK COUNTY, IN ADDITION TO THE AMOUNT**
4 **UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD OF COUNTY**
5 **COMMISSIONERS SHALL APPROPRIATE AND PAY TO THE CLERK OF THE**
6 **CIRCUIT COURT FOR FREDERICK COUNTY, TO BE USED UNDER THE DIRECTION**
7 **OF THE JUDGES OF THE COURT ANY ADDITIONAL AMOUNT THE BOARD FINDS**
8 **APPROPRIATE TO MAINTAIN AND ENLARGE THE LAW LIBRARY.**

9 TASK FORCE NOTE: This paragraph is new and added to reflect Frederick County Public Local
10 Laws, § 2-5-29.

11 **(8) IN GARRETT COUNTY, IF THE AMOUNT UNDER**
12 **SUBSECTION (B) OF THIS SECTION IS INSUFFICIENT, THE COUNTY**
13 **COMMISSIONERS SHALL PAY TO THE CLERK ADDITIONAL SUMS AS THE**
14 **JUDGES OF THE CIRCUIT COURT REQUEST, BUT NOT TO EXCEED \$ 500 IN**
15 **A YEAR.**

16 TASK FORCE NOTE: This paragraph is new and derived from Garrett County Public Local
17 Laws, § 17-2.

18 **[(5)] (9)** In Harford County, the local governing body shall appropriate
19 and pay to the clerk of the Circuit Court for Harford County, to be used under the direction
20 of the judges of the Court:

21 (i) the amount under subsection (b) of this section; and

22 (ii) any amount the local governing body determines is appropriate,
23 but not less than \$1,500, for library support and maintenance, including books, library
24 equipment, and the services of a librarian.

25 **(10) INSTEAD OF THE AMOUNT UNDER SUBSECTION (B) OF**
26 **THIS SECTION, THE COUNTY COUNCIL OF HOWARD COUNTY SHALL**
27 **APPROPRIATE \$ 2,000 ANNUALLY FOR THE MAINTENANCE AND SUPPORT**
28 **OF THE HOWARD COUNTY BAR LIBRARY, PAYABLE TO THE CLERK**
29 **QUARTERLY.**

1 TASK FORCE NOTE: This paragraph is new and derived from Howard County Public Local
2 Laws, § 7.400 and the exclusion of Howard County under CJ § 7-502(a)(1).

3 **(11) IN KENT COUNTY, IN ADDITION TO THE AMOUNT UNDER**
4 **SUBSECTION (B) OF THIS SECTION, THE BOARD OF COUNTY**
5 **COMMISSIONERS SHALL APPROPRIATE AND PAY TO THE CLERK OF THE**
6 **CIRCUIT COURT FOR KENT COUNTY, TO BE USED UNDER THE DIRECTION**
7 **OF THE JUDGES OF THE COURT, ANY ADDITIONAL AMOUNT THE BOARD**
8 **FINDS NECESSARY TO MAINTAIN AND SUPPORT THE KENT COUNTY BAR**
9 **LIBRARY.**

10 TASK FORCE NOTE: This paragraph is new and derived from Kent County Public Local
11 Laws, § 17-1.

12 **(12) IN MONTGOMERY COUNTY, IN ADDITION TO THE**
13 **AMOUNT UNDER SUBSECTION (B) OF THIS SECTION, THE COUNTY**
14 **COUNCIL MAY APPROPRIATE AN ADDITIONAL AMOUNT TO MAINTAIN**
15 **THE CIRCUIT COURT LAW LIBRARY AT ROCKVILLE.**

16 TASK FORCE NOTE: This paragraph is new and derived from Montgomery County Public
17 Local Laws, § 12-1.

18 **[(6)] (13) (i)** In St. Mary's County, the clerk of the Circuit Court for St.
19 Mary's County shall transmit monthly the amount under subsection (b)(1) of this section to
20 a special account known as the St. Mary's County law library fund maintained by the County.

21 **(ii)** As determined by the county administrative judge, the St. Mary's
22 County law library fund may only be used for the general purposes of the court library,
23 including to acquire books, other publications, and library equipment, and for other necessary
24 expenses.

25 **(14) IN WASHINGTON COUNTY, IF THE AMOUNT UNDER**
26 **SUBSECTION (B) OF THIS SECTION IS INSUFFICIENT, THE COUNTY**
27 **COMMISSIONERS SHALL PAY TO THE CLERK ADDITIONAL SUMS AS THE JUDGES**
28 **OF THE CIRCUIT COURT REQUEST.**

29 TASK FORCE NOTE: This paragraph is new and derived from Washington County Public Local
30 Laws, § 3-501(b).

1 of all bail bonds written in all courts of the circuit, if the fee is approved by the court of the
2 county in which it applies.

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

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

7 **§ 9-118.**

8 (a) If the accused is admitted to bail and fails to appear and surrender according
9 to the conditions of the bond, the judge [or District Court commissioner] by proper order
10 shall declare the bond forfeited and order the immediate arrest of the accused without warrant
11 if the accused is within this State.

12 (b) Recovery may be had on the bond in the name of the State as in the case of
13 other bonds given by the accused in criminal proceedings within this State.

14 TASK FORCE NOTE: This section is amended to delete the reference to forfeiture of bonds
15 by a “District Court commissioner” to comport with current and proposed Rule 4-217, which
16 provides for forfeiture by the court.

17 **Insurance Article**

18 **1-205.**

19 [(a)] A county or municipal corporation of the State may not:

20 (1) require an insurer, insurance producer, adjuster, public adjuster, or
21 adviser to obtain a local certificate of authority or certificate of qualification to transact
22 insurance business in that county or municipal corporation; or

23 (2) impose a local occupational tax or fee for transacting insurance business.

24 [(b) This section does not preempt or prevent the taxation and regulation of persons
25 engaged in the bail bond business other than corporate sureties and their insurance producers
26 that are required to be licensed under this article.]

1 **2-112.**

2 (a) Fees for the following certificates, licenses, and services shall be collected in
3 advance by the Commissioner, and shall be paid by the appropriate persons to the
4 Commissioner:

5 (1) fees for certificates of authority:

6 (i) application fee for initial certificate of authority, including filing
7 the application, articles of incorporation and other charter documents, except as provided in
8 item (2) of this subsection, bylaws, financial statement, examination report, power of
9 attorney to the Commissioner, and all other documents and filings in connection with the
10 application \$1,000

11 (ii) fee for initial certificate of authority \$200

12 (iii) fee for annual renewal of certificate of authority for all foreign
13 insurers and for domestic insurers with their home or executive office in the State . \$500

14 (iv) fee for annual renewal of certificate of authority for domestic
15 insurers with their home or executive office outside the State, except those domestic insurers
16 that had their home or executive office outside the State before January 1, 1929:

17 1. with premiums written in the most recent calendar year
18 not exceeding \$500,000 \$2,500

19 2. with premiums written in the most recent calendar year
20 not exceeding \$1,000,000 \$5,000

21 3. with premiums written in the most recent calendar year
22 not exceeding \$2,000,000 \$7,000

23 4. with premiums written in the most recent calendar year
24 not exceeding \$5,000,000 \$9,000

25 5. with premiums written in the most recent calendar year
26 of more than \$5,000,000 \$11,000

- 1 1. fee for initial license within 1 year of renewal . . . \$25
- 2 2. fee for initial license over 1 year from renewal . . . \$50
- 3 3. biennial renewal fee \$50
- 4 (ii) adviser license:
- 5 1. fee for initial license within 1 year of renewal . . . \$100
- 6 2. fee for initial license over 1 year from renewal . . \$200
- 7 3. biennial renewal fee \$200
- 8 (iii) insurance producer license:
- 9 1. fee for initial license \$54
- 10 2. biennial renewal fee \$54
- 11 (iv) application fee \$25
- 12 (7) fee for each insurance vending machine license, for each machine, every
- 13 second year \$50
- 14 (8) fees for filing the annual statement by an unauthorized insurer applying
- 15 for approval to become an accepted insurer or applying for approval to become an accepted
- 16 reinsurer or surplus lines carrier or both \$1,000
- 17 (9) fees for form and rate filings under Title 11, Subtitles 2 and 4 and §§ 12-
- 18 203, 13-110, and 14-126 of this article \$125
- 19 (10) service of legal process fee under §§ 3-318(b), 3-319(d), and 4-107 of
- 20 this article \$15
- 21 [10-306.]

1 (2) **“BAIL BOND” INCLUDES AN OBLIGATION:**

2 (I) **WITH OR WITHOUT A PERSON, OTHER THAN A**
3 **DEFENDANT, WHO GUARANTEES THE APPEARANCE OF THE DEFENDANT**
4 **BY EXECUTING THE OBLIGATION DIRECTLY OR INDIRECTLY AS SURETY;**
5 **AND**

6 (II) **WITH OR WITHOUT PERSONAL OR REAL PROPERTY**
7 **DEPOSITED, ENCUMBERED, OR PLEDGED TO SECURE PERFORMANCE OF**
8 **THE OBLIGATION.**

9 (c) "Bail bondsman" means an [authorized insurance producer of a surety insurer]
10 **PERSON WHO PROVIDES BAIL BOND SERVICES.**

11 [(d) "Collateral security" means any property deposited, pledged, or encumbered
12 to secure the performance of a bail bond.]

13 [(e)] (D) "License" means a license issued by the Commissioner to provide bail
14 [bondsman] **BOND** services.

15 (E) **“LICENSEE” MEANS A PERSON WHO IS LICENSED BY THE**
16 **COMMISSIONER TO PROVIDE BAIL BOND SERVICES.**

17 (f) (1) "Provide bail [bondsman] **BOND** services" means to provide any
18 service in the bail bondsman trade **WITH OR WITHOUT COMPENSATION.**

19 (2) **“PROVIDE BAIL BOND SERVICES” INCLUDES:**

20 (I) **EXECUTING A BAIL BOND AS A SURETY OR AS AN**
21 **INSURANCE PRODUCER FOR A SURETY;**

22 (II) **NEGOTIATING A BAIL BOND;**

23 (III) **PLEDGING PERSONAL OR REAL PROPERTY TO**
24 **SECURE A BAIL BOND;**

25 (IV) **PROCURING A BAIL BOND;**

- 1 **(V) SELLING A BAIL BOND;**
2 **(VI) SOLICITING A BAIL BOND; OR**
3 **(VII) OTHER EFFECTUATING A BAIL BOND.**

4 [(g) (1) "Surety" means a person, other than the defendant, that guarantees the
5 appearance of the defendant by executing a bail bond.

6 (2) "Surety" includes an uncompensated or accommodation surety.

7 (h) "Surety insurer" means a person that, for compensation, directly or through an
8 authorized insurance producer, acts as a surety on a bail bond.]

9 **10-302.**

10 **THIS SUBTITLE DOES NOT AFFECT THE RIGHT OF A DEFENDANT TO**
11 **BE RECOGNIZOR FOR HIMSELF OR HERSELF ON POSTING OF PROPER**
12 **SECURITY.**

13 TASK FORCE NOTE: This section is new and reflects the substance of Anne Arundel
14 County Public Local Laws, Article 16, § 4-102(a) and Montgomery County Public Local
15 Laws, § 1234(b).

16 **10-303.**

17 **IN CONSULTATION WITH THE CHIEF JUDGE OF THE DISTRICT**
18 **COURT AND STATE COURT ADMINISTRATOR, THE COMMISSIONER SHALL**
19 **MAKE AVAILABLE INFORMATION ON LICENSED BONDSMEN AND**
20 **SURETIES IN DEFAULT ON BAIL BONDS AND MAY PROVIDE INFORMATION**
21 **ON PERSONS NOT AUTHORIZED TO PROVIDE BAIL BOND SERVICES.**

22 TASK FORCE NOTE: This section is new and substituted for Anne Arundel County Public
23 Local Laws, Article 16, § 4-103 and the first two sentences of Montgomery County Public
24 Local Laws, Article V, § 12-29, which required a list of licensed bondsmen to be posted in
25 places in which detainees are held in the County and provided to a detainee on request.

26 Reference to information about defaulting sureties and unauthorized service providers

1 is added to conform to proposed Rule 4-217(d)(1).

2 **10-304. RESERVED.**

3 **10-305. RESERVED.**

4 **PART II. LICENSING.**

5 **[10-304.] 10-306.**

6 (a) [An] **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN**
7 individual [must obtain a license] **SHALL BE LICENSED BY THE COMMISSIONER**
8 before the individual provides bail [bondsman] **BOND** services in the State.

9 **(B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO:**

10 **(1) PLEDGES PERSONAL OR REAL PROPERTY TO SECURE A**
11 **BAIL BOND FOR HIMSELF OR HERSELF; OR**

12 **(2) NOT MORE THAN 3 TIMES DURING A CALENDAR YEAR,**
13 **PLEDGES PERSONAL OR REAL PROPERTY TO SECURE A BAIL BOND FOR**
14 **THE INDIVIDUAL'S A GREAT-GRANDPARENT, GRANDPARENT, PARENT, UNCLE,**
15 **AUNT, BROTHER, SISTER, CHILD, GRANDCHILD, GREAT-GRANDCHILD, NEPHEW,**
16 **OR NIECE.**

17 TASK FORCE NOTE: Subsection (b)(1) of this section is new and reflects the substance of
18 Anne Arundel County Public Local Laws, Article 16, § 4-102(a) and Montgomery County
19 Public Local Laws, § 12-32(b).

20 Subsection (b)(2) of this section is new and added to ensure against violations of the
21 licensing provisions.

22 **[10-305.] 10-307. QUALIFICATIONS OF APPLICANTS.**

23 **(A) IN GENERAL.**

24 [An] **TO QUALIFY FOR A LICENSE, AN** applicant [for a license must] **SHALL**
25 be an individual who meets the requirements [for acting as a property and casualty] **OF**
26 **THIS SECTION.**

1 **(B) CITIZENSHIP AND RESIDENCY.**

2 **AN APPLICANT SHALL BE A CITIZEN OF THE UNITED STATES AND,**
3 **FOR AT LEAST ONE YEAR BEFORE THE FILING OF THE APPLICATION,**
4 **SHALL HAVE RESIDED IN THIS STATE.**

5 **(C) SURETY INSURER OR CASUALTY OR PROPERTY INSURANCE**
6 **PRODUCER.**

7 **THE APPLICANT SHALL BE:**

8 **(1) A PERSON AUTHORIZED UNDER THIS ARTICLE TO**
9 **PROVIDE SURETY INSURANCE;**

10 **(2) AN insurance producer AUTHORIZED under Subtitle 1 of this title**
11 **TO NEGOTIATE, SELL, OR SOLICIT CASUALTY OR PROPERTY INSURANCE;**
12 **OR**

13 **(3) A LICENSED MOTOR CLUB UNDER TITLE 26 OF THIS**
14 **ARTICLE.**

15 **(C) APPOINTMENT AS INSURANCE PRODUCER.**

16 **AN INSURANCE PRODUCER-APPLICANT SHALL HAVE AN**
17 **APPOINTMENT FROM AN AUTHORIZED SURETY INSURER.**

18 **(E) OTHER QUALIFICATIONS.**

19 **THE APPLICANT SHALL MEET ANY OTHER QUALIFICATIONS THAT**
20 **THE COMMISSIONER ESTABLISHES FOR LICENSE APPLICANTS.**

21 TASK FORCE NOTE: Subsections (a), (c), (d), and (e) of this section are new.

22 Subsection (b) of this section is new and reflects the substance of current IN § 10-305.

23 **10-308. APPLICATIONS FOR LICENSES.**

24 **AN APPLICANT FOR A LICENSE SHALL:**

1 **(1) SUBMIT TO THE COMMISSIONER:**

2 **(I) AN APPLICATION ON THE FORM THAT THE**
3 **COMMISSIONER REQUIRES;**

4 **(II) FINGERPRINTS NEEDED FOR A CRIMINAL HISTORY**
5 **RECORDS CHECK;**

6 **(III) A RECENT, FULL FACED PHOTOGRAPH IN THE**
7 **FORM THAT THE COMMISSIONER REQUIRES; AND**

8 **(IV) FOR AN INSURANCE PRODUCER, A GENERAL POWER**
9 **OF ATTORNEY THAT IS EXECUTED BY OR FOR A LICENSED SURETY**
10 **INSURER AS EVIDENCE OF THE APPOINTMENT OF THE INSURANCE**
11 **PRODUCER TO PROVIDE BAIL BOND SERVICES FOR THE INSURER; AND**

12 **(2) PAY TO THE COMMISSIONER THE APPLICATION FEE.**

13 TASK FORCE NOTE: This section is new and reflects the requirements for fingerprinting
14 and photograph in Circuit Rule 714A.

15 **10-309. REPORT FOR RENEWAL.**

16 **IN ADDITION TO ANY REQUIREMENT UNDER § 10-115, AN APPLICANT**
17 **FOR RENEWAL OF A BONDSMAN'S LICENSE SHALL INCLUDE WITH THE**
18 **APPLICATION CERTIFICATION THAT THE MAJORITY OF THE LICENSEE'S**
19 **INCOME IS FROM PROVIDING BAIL BOND SERVICES.**

20 TASK FORCE NOTE: This section is new and reflects IN § 10-308.

21 **10-310. INACTIVE STATUS; REINSTATEMENT OF EXPIRED LICENSES.**

22 **(A) INACTIVE STATUS.**

23 **(1) THE COMMISSIONER SHALL PLACE A LICENSEE ON**
24 **INACTIVE STATUS, IF THE LICENSEE:**

1 **(I) SUBMITS TO THE COMMISSIONER AN APPLICATION**
2 **FOR INACTIVE STATUS ON THE FORM THAT THE COMMISSIONER**
3 **REQUIRES; AND**

4 **(II) PAYS TO THE COMMISSIONER THE INACTIVE**
5 **STATUS FEE SET BY THE COMMISSIONER.**

6 **(2) THE COMMISSIONER SHALL ISSUE A LICENSE TO AN**
7 **INDIVIDUAL WHO IS ON INACTIVE STATUS, IF THE INDIVIDUAL COMPLIES**
8 **WITH THE RENEWAL REQUIREMENTS THAT EXISTED WHEN THE**
9 **INDIVIDUAL WAS PLACED ON INACTIVE STATUS.**

10 **(B) REINSTATEMENT OF EXPIRED LICENSE.**

11 **THE COMMISSIONER MAY REINSTATE THE LICENSE OF AN**
12 **INDIVIDUAL WHO HAS NOT BEEN PUT ON INACTIVE STATUS AND WHO**
13 **HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE**
14 **INDIVIDUAL:**

15 **(1) MEETS THE RENEWAL REQUIREMENTS OF § 10-312 OF**
16 **THIS SUBTITLE;**

17 **(2) PAYS TO THE COMMISSIONER THE REINSTATEMENT FEE**
18 **SET BY THE COMMISSIONER; AND**

19 **(3) SUBMITS TO THE COMMISSIONER SATISFACTORY**
20 **EVIDENCE OF COMPLIANCE WITH THE QUALIFICATIONS AND**
21 **REQUIREMENTS ESTABLISHED UNDER THIS SUBTITLE FOR LICENSE**
22 **REINSTATEMENTS.**

23 TASK FORCE NOTE: This section is new.

24 **10-311. DISPLAY AND RECORDATION OF LICENSE; CHANGE OF ADDRESS.**

25 **(A) DISPLAY.**

26 **EACH LICENSEE SHALL DISPLAY THE LICENSE CONSPICUOUSLY IN**

1 **THE OFFICE OR PLACE OF BUSINESS OF THE LICENSEE.**

2 **(B) RECORDATION.**

3 **EACH LICENSEE SHALL RECORD THE LICENSE WITH THE CHIEF**
4 **CLERK OF THE DISTRICT COURT OR THE CLERK'S DESIGNEE.**

5 TASK FORCE NOTE: This section is new.

6 **10-312. DENIALS, REPRIMANDS, SUSPENSIONS, AND REVOCATIONS.**

7 **(A) AUTOMATIC REVOCATION.**

8 **A LICENSE OF AN INSURANCE PRODUCER IS REVOKED**
9 **AUTOMATICALLY WHEN THE COMMISSIONER RECEIVES FROM A SURETY**
10 **INSURER WRITTEN NOTICE THAT THE SURETY INSURER HAS**
11 **TERMINATED THE INSURANCE PRODUCER'S APPOINTMENT.**

12 **(B) AUTOMATIC SUSPENSION.**

13 **WHENEVER THE COMMISSIONER RECEIVES FROM A COURT NOTICE**
14 **THAT A SURETY HAS FAILED TO SATISFY AN ORDER FOR FORFEITURE ON**
15 **A BAIL BOND, THE COMMISSIONER AUTOMATICALLY SHALL SUSPEND**
16 **THE LICENSE, IF ANY, OF THE SURETY.**

17 **(C) OTHER ACTIONS.**

18 **IN ADDITION TO BASES FOR ACTION UNDER § 10-126 OF THIS TITLE**
19 **AND SUBJECT TO THE HEARING PROVISIONS OF § 2-210 THROUGH 2-214 OF**
20 **THIS ARTICLE, THE COMMISSIONER MAY DENY A LICENSE TO AN**
21 **APPLICANT, REPRIMAND A LICENSEE, OR SUSPEND, REFUSE TO RENEW,**
22 **OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:**

23 **(1) WILLFULLY FAILS TO COMPLY WITH OR WILLFULLY**
24 **VIOLATES AN ORDER OR RULE OF A COURT; OR**

25 **(2) HAS DEMONSTRATED INCOMPETENCE,**

1 **UNTRUSTWORTHINESS, OR OTHER CONDUCT THAT RENDERS THE**
2 **APPLICANT OR LICENSEE UNFIT TO PROVIDE BAIL BOND SERVICES OR**
3 **CONTINUANCE A DETRIMENT TO THE PUBLIC INTEREST; OR**

4 **(3) HAS VIOLATED ANY PROVISION OF § 10-3XX OF THIS**
5 **TITLE.**

6 TASK FORCE NOTE: Subsection (a) of this section is new and reflects the substance of
7 COMAR 31.03.05.05B.

8 Subsection (b) of this section is new.

9 Subsection (c)(3) of this section is new and reflects the substance of COMAR
10 31.03.05.06.

11 .

12 **10-313. RESERVED.**

13 **10-314. RESERVED.**

14 **PART V. MISCELLANEOUS PROVISIONS.**

15 **10-315. RECEIPT FOR BUYER; COPY FOR COMMISSIONER.**

16 **(A) RECEIPT FOR BUYER.**

17 **WHENEVER A LICENSEE EXECUTES A BAIL BOND, THE LICENSEE**
18 **SHALL GIVE THE BUYER OF THE BAIL BOND A NUMBERED RECEIPT THAT**
19 **INCLUDES:**

20 **(1) THE NAME OF THE LICENSEE;**

21 **(2) THE NAME OF THE BUSINESS UNDER WHICH THE**
22 **LICENSEE PROVIDES BAIL BOND SERVICES AND THE BUSINESS ADDRESS**
23 **AND TELEPHONE NUMBER;**

24 **(3) THE COURT FOR WHICH THE BAIL BOND IS WRITTEN;**

25 **(4) AN ITEMIZED STATEMENT OF:**

1 **(I) THE AMOUNT OF BAIL; AND**

2 **(II) THE PREMIUM CHARGED;**

3 **(5) THE AMOUNT THAT THE LICENSEE COLLECTS AND THE**
4 **UNPAID BALANCE, IF ANY; AND**

5 **(6) THE AMOUNT, VALUE, AND DESCRIPTION OF**
6 **COLLATERAL, IF ANY, THAT THE LICENSEE RECEIVES.**

7 **(B) COPY FOR COMMISSIONER.**

8 **EACH LICENSEE SHALL PROVIDE THE COMMISSIONER WITH A COPY**
9 **OF EACH RECEIPT THAT THE LICENSEE ISSUES UNDER THIS SECTION,**
10 **WITHIN THE TIME AND IN THE MANNER THAT THE COMMISSIONER**
11 **REQUIRES.**

12 TASK FORCE NOTE: This section is new and reflects the substance of COMAR
13 31.03.05.09B and the first sentence of A and 7th Circuit Rule 714A(b)(2)(F)(2).

14 **10-316. DESCRIPTION OF COLLATERAL.**

15 **WHENEVER A LICENSEE EXECUTES A BAIL BOND, THE LICENSEE**
16 **SHALL DESCRIBE IN DETAIL, IN AN AFFIDAVIT, COLLATERAL THAT THE**
17 **LICENSEE ACCEPTS TO INDEMNIFY THE SURETY IF THE DEFENDANT**
18 **DEFAULTS AND EACH CONDITION OF A COLLATERAL OR INDEMNITY**
19 **AGREEMENT APPLICABLE TO THE BAIL BOND.**

20 TASK FORCE NOTE: This section is new and reflects the substance of COMAR
21 31.03.05.10, the 7th Circuit Rule 714A(b)(2)(F)(3), and the definition of “collateral” in the
22 5th Circuit Rule 714(d)(5).

23 **10-317. RETURN OF PREMIUM AND COLLATERAL.**

24 **(A) NONRELEASE OF DEFENDANT.**

25 **WITHIN 5 DAYS AFTER A DEFENDANT FAILS TO QUALIFY FOR**

1 **PRETRIAL RELEASE IN ANTICIPATION OF WHICH A LICENSEE EXECUTED**
2 **A BAIL BOND, THE LICENSEE SHALL REFUND THE PREMIUM THAT THE**
3 **LICENSEE RECEIVED AND RETURN ALL COLLATERAL THAT THE**
4 **LICENSEE IS HOLDING FOR THE BAIL BOND.**

5 **(B) DISCHARGE OF BAIL BOND.**

6 **(1) WHENEVER A COURT DISCHARGES A BAIL BOND**
7 **EXECUTED BY A LICENSEE, THE LICENSEE IMMEDIATELY SHALL RETURN**
8 **ALL COLLATERAL THAT THE LICENSEE IS HOLDING FOR THE BAIL BOND.**

9 **(2) A LICENSEE MAY DEDUCT UNPAID PREMIUM, IF ANY,**
10 **FROM COLLATERAL BEING RETURNED UNDER THIS SECTION.**

11 TASK FORCE NOTE: This section is new and reflects the substance of COMAR
12 31.03.05.11 and 31.03..0.12 and the 7th Circuit Rule 714A(b)(2)(F)(4).

13 **10-318. RECORDS.**

14 **(A) COPY OF RECEIPTS.**

15 **EACH LICENSEE SHALL KEEP A COPY OF EACH NUMBERED RECEIPT**
16 **THAT THE LICENSEE ISSUES UNDER THIS SUBTITLE, FOR THE PERIOD**
17 **THAT THE COMMISSIONER REQUIRES.**

18 **(B) DAILY BOND REGISTRY.**

19 **EACH LICENSEE SHALL KEEP, IN THE FORM THAT THE**
20 **COMMISSIONER REQUIRES, A DAILY RECORD THAT DETAILS, FOR EACH**
21 **BAIL BOND EXECUTED BY THE LICENSEE:**

22 **(1) THE NUMBER OF THE POWER OF ATTORNEY FORM;**

23 **(2) THE DATE ON WHICH THE LICENSEE EXECUTED THE**
24 **BAIL BOND;**

25 **(3) THE NAME OF THE PRINCIPAL;**

1 **(4) THE AMOUNT OF THE BAIL BOND;**

2 **(5) THE PREMIUM CHARGED;**

3 **(6) THE PREMIUM REPORTED TO THE SURETY INSURER AND**
4 **THE DATE REPORTED;**

5 **(7) THE AMOUNT, DATE, AND DESCRIPTION OF THE**
6 **COLLATERAL RECEIVED;**

7 **(8) THE AMOUNT, DATE, AND DESCRIPTION OF THE**
8 **COLLATERAL RETURNED;**

9 **(9) THE INDEMNITY AGREEMENT, IF ANY; AND**

10 **(10) THE DATE AND DISPOSITION OF THE BAIL BOND.**

11 **(C) AFFIDAVITS AND RECEIPTS FOR COLLATERAL.**

12 **A LICENSED BONDSMAN SHALL KEEP:**

13 **(1) FOR AT LEAST 1 YEAR AFTER THE REPAYMENT OR**
14 **RETURN OF COLLATERAL, A RECEIPT AND OTHER EVIDENCE OF THE**
15 **REPAYMENT OR RETURN; AND**

16 **(2) FOR AT LEAST 1 YEAR AFTER THE LIABILITY AS SURETY**
17 **TERMINATES:**

18 **(I) A COPY OF EACH AFFIDAVIT MADE IN CONNECTION**
19 **WITH AN INDEMNITY AGREEMENT OR RECEIPT OF COLLATERAL; AND**

20 **(II) A COPY OF EACH WRITTEN REPRESENTATION THAT**
21 **IS MADE TO A COURT OR PUBLIC OFFICIAL TO AVOID FORFEITURE OF**
22 **BAIL, HAVE A FORFEITURE SET ASIDE, OR OBTAIN RELEASE OF A**
23 **DEFENDANT ON RECOGNIZANCE.**

24 **(D) INSPECTION OF RECORDS.**

1 **ON REQUEST OF THE COMMISSIONER, A LICENSEE SHALL MAKE A**
2 **RECORD THAT THE LICENSEE IS REQUIRED TO KEEP UNDER THIS**
3 **SECTION AVAILABLE FOR THE COMMISSIONER OR A DESIGNEE OF THE**
4 **COMMISSIONER TO INSPECT.**

5 TASK FORCE NOTE: Subsection (a) of this section is new and reflects the substance of the
6 second sentence of COMAR 31.03.05.09A.

7 Subsections (b) through (d) of this section are new and reflect the substance of
8 31.03.05.08.

9 Anne Arundel County Public Local Laws, Article 16, § 4-206, which required a
10 monthly record, is omitted as unnecessary.

11 **10-319. ENFORCEMENT.**

12 **(A) WRIT OF EXECUTION.**

13 **[CJ § 11-513.]**

14 **[(a)] (1)** If a recognizance taken for the appearance of a person to answer or
15 testify is forfeited, the [State's Attorney] **COMMISSIONER** may order a writ of execution
16 to be issued for the sum due on the recognizance.

17 **[(b)] (2)** If a writ of execution is issued against a person who failed to answer or
18 testify, on the return of the execution [he], **THE PERSON** may file any plea to the execution
19 [which] **THAT** would be good and sufficient to a scire facias if a scire facias had issued on
20 the recognizance.

21 **[(c)] (3)** If the plea is determined in favor of the person who filed the plea, [he]
22 **THE PERSON** shall be discharged from the forfeiture. However, [he] **THE PERSON** may
23 not be discharged from the execution before a hearing on the plea unless [he] **THE**
24 **PERSON:**

25 **[(1)] (I)** Pays or satisfies the execution;

26 **[(2)] (II)** Gives a bond payable to the State; or

27 **[(3)] (III)** Enters into a recognizance in court with security in double

1 amount of the forfeiture and costs due on the execution with condition to appear and plead
2 in discharge of the execution, and abide by and fulfill the judgment on the recognizance.

3 **(B) FORECLOSURE.**

4 **(1) IF AN ORDER OF FORFEITURE REMAINS UNSATISFIED**
5 **AFTER THE TIME ALLOWED IN MARYLAND RULE 4-217 AND THE BAIL**
6 **BOND WAS SECURED BY REAL PROPERTY, THE COMMISSIONER SHALL**
7 **FORECLOSE THE DECLARATION OF TRUST OR DEED OF TRUST IN**
8 **ACCORDANCE WITH TITLE 14, CHAPTER 200 OF THE MARYLAND RULES**
9 **OR OTHERWISE RECOUP THE AMOUNT UNSATISFIED.**

10 **(2) THE MARYLAND INSURANCE COMMISSIONER SHALL**
11 **APPLY THE PROCEEDS FROM A SALE UNDER THIS SUBSECTION TO:**

12 **(I) EXPENSES RELATED TO THE FORECLOSURE;**

13 **(II) PAYMENT OF ANY LICENSE FEE DUE; AND**

14 **(III) DISTRIBUTION AS PROVIDED IN § 7-507 OF THE**
15 **COURTS ARTICLE.**

16 TASK FORCE NOTE: Subsection (a) of this section is CJ § 11-513, renumbered to be part
17 of this subtitle and to empower the Commissioner rather than a State's attorney.

18 Subsection (b)(1) through (2)(ii) of this section is new and reflects 7th Circuit Rule
19 714(j)(3).

20 Subsection (b)(2)(iii) is new and added to reference provisions for disposition of
21 forfeitures.

22 **10-320. RESERVED.**

23 **10-321. RESERVED.**

24 **PART IV. PROHIBITED ACTS.**

25 **10-322. UNAUTHORIZED PROVISION OF SERVICES.**

1 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON**
2 **MAY NOT PROVIDE BAIL BOND SERVICES, ATTEMPT TO PROVIDE BAIL**
3 **BOND SERVICES, OR OFFER TO PROVIDE BAIL BOND SERVICES IN THIS**
4 **STATE UNLESS LICENSED BY THE COMMISSIONER UNDER THIS SUBTITLE.**

5 TASK FORCE NOTE: This section is new and reflects the substance of COMAR
6 31.03.05.03B and Anne Arundel County Public Local Laws, Article 16, § 4-201(a).

7 **10-323. MISREPRESENTATION.**

8 **UNLESS AUTHORIZED UNDER THIS SUBTITLE TO PROVIDE BAIL**
9 **BOND SERVICES, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE**
10 **OF A TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,**
11 **OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PROVIDE BAIL**
12 **BOND SERVICES IN THIS STATE.**

13 TASK FORCE NOTE: This section is new.

14 **10-324. PROHIBITED INTEREST.**

15 **(A) SCOPE OF SECTION.**

16 **THIS SECTION APPLIES ONLY TO THE 7TH CIRCUIT.**

17 **(B) PROHIBITED ACT.**

18 **A PERSON MAY NOT BE A SURETY INSURER OR HAVE ANY INTEREST,**
19 **IN ANY AMOUNT, IN THE BUSINESS OF A LICENSED BONDSMEN IF THE**
20 **PERSON IS:**

21 **(1) A CORRECTIONAL OFFICER, JAILER, OR EMPLOYEE OF**
22 **A CORRECTIONAL FACILITY;**

23 **(2) A PERSON WITH THE POWER TO CONTROL FEDERAL,**
24 **STATE, COUNTY OR MUNICIPAL PRISONERS;**

25 **(3) A CONSTABLE, PEACE OFFICER, POLICE OFFICER,**

1 **SHERIFF, DEPUTY SHERIFF, OR PERSON WITH THE POWER TO ARREST;**

2 **(4) A DISTRICT COURT COMMISSIONER;**

3 **(5) A JUDGE; OR**

4 **(6) A PERSON AUTHORIZED TO PRACTICE LAW IN THIS**
5 **STATE.**

6 TASK FORCE NOTE: This section is new and reflects the 7th Circuit Rule 714A(b)(3).

7 **10-325. CONSIDERATION FOR UNAUTHORIZED PROVIDER.**

8 **UNLESS A PERSON IS LICENSED UNDER THIS SUBTITLE AND IS THE**
9 **AUTHORIZED INSURANCE PRODUCER OF THE INSURER, AN INSURER MAY**
10 **NOT PAY CONSIDERATION OR GIVE ANYTHING OF VALUE, WHETHER**
11 **DIRECTLY OR INDIRECTLY, TO THE PERSON TO PROVIDE BAIL BOND**
12 **SERVICES FOR THE INSURER.**

13 TASK FORCE NOTE: This section is new and reflects the substance of COMAR
14 31.03.05.03A.

15 **10-326. AREAS FOR CONDUCTING BUSINESS.**

16 **(A) ANNE ARUNDEL COUNTY.**

17 **(1) THIS SUBSECTION DOES NOT APPLY TO AN OFFICE THAT**
18 **HAS BEEN BY A LICENSED BONDMEN CONTINUOUSLY SINCE JANUARY 1,**
19 **1965.**

20 **(2) IN ANNE ARUNDEL COUNTY, THE OFFICE OF A LICENSED**
21 **BONDSMAN MAY NOT HAVE A DOOR WITHIN 600 FEET OF A DOOR OF A**
22 **CORRECTIONAL FACILITY FROM WHICH A DEFENDANT MAY BE**
23 **RELEASED AFTER ARREST.**

24 **(3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS**
25 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**

1 **SUBJECT TO A FINE NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT**
2 **EXCEEDING 6 MONTHS OR BOTH.**

3 **(B) STATEWIDE.**

4 **(1) THIS SUBSECTION DOES NOT APPLY TO A LICENSED**
5 **BONDSMAN WHO CONTRACTS WITH A GOVERNMENTAL UNIT TO**
6 **PROVIDE BAIL BONDS TO INDIVIDUALS DETAINED IN A CORRECTIONAL**
7 **FACILITY.**

8 **(2) ON THE GROUNDS OF A COURTHOUSE OR**
9 **CORRECTIONAL FACILITY, A BAIL BONDSMAN MAY NOT:**

10 **(I) APPROACH, ENTICE, OR INVITE A PERSON TO USE**
11 **THE SERVICES OF A BAIL BONDSMAN;**

12 **(II) DISTRIBUTE, DISPLAY, OR WEAR AN ITEM THAT**
13 **ADVERTISES THE SERVICES OF A BAIL BONDSMAN; OR**

14 **(III) OTHERWISE SOLICIT BUSINESS AS A BAIL**
15 **BONDSMAN.**

16 **(3) A PERSON WHO VIOLATES ANY PROVISION OF THIS**
17 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
18 **SUBJECT:**

19 **(I) FOR A FIRST OFFENSE, TO A FINE NOT EXCEEDING**
20 **\$100; AND**

21 **(II) FOR A SUBSEQUENT OFFENSE, TO A FINE NOT**
22 **EXCEEDING \$1,000.**

23 **(4) A CLERK OF COURT SHALL REPORT A CONVICTION**
24 **UNDER THIS SUBSECTION TO THE COMMISSIONER.**

25 **TASK FORCE NOTE:** Subsection (a) of this section is new and reflects the substance of
26 Anne Arundel Public Local Laws, Article 16, §§ 4-301 and 4-401.

1 Subsection (b) of this section is new and reflects the substance of CS § 5-210.

2 **10-327. COMPENSATION.**

3 **(A) PREMIUM REQUIRED.**

4 **(1) EXCEPT FOR A LICENSED MOTOR CLUB, A LICENSED**
5 **BONDSMAN MAY NOT EXECUTE A BAIL BOND WITHOUT CHARGING THE**
6 **PREMIUM AUTHORIZED UNDER TITLE 11, SUBTITLE 2 OF THIS ARTICLE.**

7 **(2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS**
8 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
9 **SUBJECT TO A FINE NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT**
10 **EXCEEDING 6 MONTHS OR BOTH.**

11 **(B) OTHER THAN COLLATERAL OR PREMIUM.**

12 **(1) A PERSON MAY NOT RECEIVE ANYTHING OF VALUE,**
13 **OTHER THAN THE COLLATERAL AUTHORIZED UNDER THIS SUBTITLE**
14 **AND THE PREMIUM AUTHORIZED UNDER TITLE 11, SUBTITLE 2 OF THIS**
15 **ARTICLE, FOR PROVIDING BAIL BOND SERVICES.**

16 **(2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS**
17 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
18 **SUBJECT TO A FINE NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT**
19 **EXCEEDING 6 MONTHS OR BOTH.**

20 **(C) UNREASONABLE COLLATERAL.**

21 **A LICENSED BONDSMAN MAY NOT ACCEPT COLLATERAL FOR A BAIL**
22 **BOND IF THE COLLATERAL IS VALUED AT MORE THAN THE BOND OR**
23 **OTHERWISE IS UNREASONABLE IN RELATION TO THE AMOUNT OF THE**
24 **BOND.**

25 TASK FORCE NOTE: Subsections (a) and (b) of this section are new and reflect the
26 substance of COMAR 31.03.05.07, Anne Arundel County Public Local Laws, Article 16, §§
27 4-302(b) and 4-401, and the first sentence of and Montgomery County Public Local Laws,

1 Article V, § 12-28.

2 Subsection (c) of this section is new and reflects the substance of the 7th Circuit Rule
3 714A(b)(2)(F)(1).

4 In subsection (b)(1) of this section, the reference to “collateral” is added to reflect the
5 substance of the 7th Circuit Rule 714A(b)(2)(F)(1).

6 **10-328. BLANK BOND.**

7 **A LICENSED BONDSMAN MAY NOT SIGN A BAIL BOND IN BLANK.**

8 TASK FORCE NOTE: This section is new and derived from the 7th Circuit Rule
9 714A(b)(2)(G).

10 **10-329. MISREPRESENTATION TO AVOID FORFEITURE.**

11 **(A) PROHIBITIONS.**

12 **A PERSON MAY NOT MAKE A FALSE OR MISLEADING**
13 **REPRESENTATION TO A COURT OR PUBLIC OFFICIAL TO:**

14 **(1) AVOID FORFEITURE OF BAIL;**

15 **(2) HAVE A FORFEITURE SET ASIDE; OR**

16 **(3) OBTAIN RELEASE OF A DEFENDANT ON RECOGNIZANCE.**

17 **(B) PENALTIES.**

18 **ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS**
19 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE**
20 **NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS**
21 **OR BOTH.**

22 TASK FORCE NOTE: Subsection (a) of this section is new and reflects the substance of
23 COMAR 31.03.05.06, except as it relates to penalties.

24 Subsection (b) of this section is new.

1 **10-330. GOVERNMENTAL EMPLOYEE OR OFFICER.**

2 **(A) BRIBERY.**

3 **(1) THIS SUBSECTION APPLIES ONLY TO ANNE ARUNDEL**
4 **COUNTY AND MONTGOMERY COUNTY.**

5 **(2) A PERSON MAY NOT CONTRIBUTE, GIVE, LEND, OR**
6 **PROMISE TO CONTRIBUTE, GIVE, OR LEND ANYTHING OF VALUE TO A**
7 **GOVERNMENTAL EMPLOYEE OR OFFICER TO RECOMMEND USE OF ANY**
8 **PERSON TO PROVIDE BAIL BOND SERVICES.**

9 **(3) A GOVERNMENTAL EMPLOYEE OR OFFICER MAY NOT**
10 **ACCEPT OR RECEIVE ANYTHING OF VALUE TO RECOMMEND USE OF A**
11 **PERSON TO PROVIDE BAIL BOND SERVICES.**

12 **(4) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS**
13 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
14 **SUBJECT TO A FINE NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT**
15 **EXCEEDING 6 MONTHS OR BOTH.**

16 **(B) AMOUNT OF BOND.**

17 **(1) THIS SUBSECTION APPLIES ONLY IN THE 7TH JUDICIAL**
18 **CIRCUIT.**

19 **(2) A LICENSED BONDSMAN MAY NOT PAY A FEE OR REBATE,**
20 **OR GIVE OR PROMISE ANYTHING OF VALUE TO A PUBLIC EMPLOYEE OR**
21 **OFFICER TO OBTAIN THE COMPROMISE, REDUCTION, REMISSION, OR**
22 **SETTLEMENT OR TO INCREASE THE AMOUNT OF A BAIL BOND.**

23 **(C) RECOMMENDATION OF SERVICES.**

24 **A COURT OFFICER OR EMPLOYEE MAY NOT MAKE ANY**
25 **RECOMMENDATION OR REPRESENTATION FOR A PERSON PROVIDING**
26 **BAIL BOND SERVICES.**

1 TASK FORCE NOTES: Subsection (a) of this section is new and reflects the substance of
2 Anne Arundel County Public Local Laws, Article 16, §§ 4-303 and 4-401 and Montgomery
3 County Public Local Laws, Article V, § 12-27, as they related to governmental employees
4 and officers.

5 Subsection (b) of this section is new and reflects the substance of the 7th Circuit Rule
6 714A((b)(2)(C).

7 Subsection (c) of this section is new and derived from 7th Circuit Rule 714A(g)(3).

8 In subsection (c) of this section, reference to a “court officer or employee” is
9 substituted for the current reference to a “clerk, District Court Commissioner or ... other court
10 employee”, to reflect that clerks and commissioners are officers and to cover other officers,
11 such as judges, of whom a recommendation or representation. would be equally
12 inappropriate.

13 **10-331. LEGAL SERVICES.**

14 **(A) RECOMMENDING LAWYER.**

15 **(1) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL**
16 **COUNTY, MONTGOMERY COUNTY, AND THE 7TH CIRCUIT.**

17 **(2) A LICENSED BONDSMAN MAY NOT, DIRECTLY OR**
18 **INDIRECTLY, RECOMMEND, OBTAIN, OR AID IN OBTAINING ANYONE TO**
19 **PROVIDE FOR A DEFENDANT IN A CRIMINAL CASE ANY LEGAL SERVICES.**

20 **(3) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS**
21 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
22 **SUBJECT TO A FINE NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT**
23 **EXCEEDING 6 MONTHS OR BOTH.**

24 **(B) RECOMMENDATION OF BAIL SERVICES.**

25 **(1) THIS SUBSECTION APPLIES ONLY TO ANNE ARUNDEL**
26 **COUNTY AND MONTGOMERY COUNTY.**

27 **(2) A PERSON MAY NOT CONTRIBUTE, GIVE, LEND, OR**
28 **PROMISE TO CONTRIBUTE, GIVE, OR LEND ANYTHING OF VALUE TO A**
29 **LAWYER TO RECOMMEND USE OF ANY PERSON TO PROVIDE BAIL BOND**

1 **SERVICES.**

2 (3) A LAWYER MAY NOT ACCEPT OR RECEIVE ANYTHING OF
3 VALUE TO RECOMMEND USE OF A PERSON TO PROVIDE BAIL BOND
4 SERVICES.

5 (4) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS
6 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
7 SUBJECT TO A FINE NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT
8 EXCEEDING 6 MONTHS OR BOTH.

9 (C) SERVICES FOR LICENSEE.

10 (1) THIS SUBSECTION APPLIES ONLY IN THE 7TH CIRCUIT.

11 (2) A LICENSED BONDSMAN MAY NOT PAY A FEE OR REBATE
12 OR GIVE OR PROMISE TO GIVE ANYTHING OF VALUE TO A LAWYER IN A
13 BAIL BOND MATTER OTHER THAN DEFENSE OF AN ACTION ON THE BOND.

14 (D) LEGAL REPRESENTATION BY LICENSEE.

15 (1) THIS SUBSECTION APPLIES ONLY IN THE 7TH CIRCUIT.

16 (2) EXCEPT FOR A MEMBER OF THE BONDSMAN'S
17 IMMEDIATE FAMILY, A LICENSED BONDSMAN MAY NOT REPRESENT A
18 DEFENDANT FOR WHOM THE BONDSMAN IS SURETY.

19 TASK FORCE NOTES: Subsection (a) of this section is new and reflects the substance of
20 Anne Arundel County Public Local Laws, Article 16, §§ 4-304 and 4-401, Montgomery
21 County Public Local Laws, Article V, § 12-26, and the 7th Circuit Rule 714A(b)(1).

22 Subsection (b) of this section is new and reflects the substance of Anne Arundel
23 County Public Local Laws, Article 16, §§ 4-303 and 4-401 and Montgomery County Public
24 Local Laws, Article V, § 12-25, as they related to lawyers.

25 Subsection (c) and (d) of this section is new and reflects the substance of the 7th
26 Circuit Rule 714A(b)(2)(D) and (E).

27 **10-332. DISMISSAL OF CHARGE.**

1 **(A) SCOPE OF SECTION.**

2 **THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY AND**
3 **MONTGOMERY COUNTY.**

4 **(B) PROHIBITED ACT.**

5 **A LICENSED BONDSMAN MAY NOT SETTLE, ATTEMPT TO SETTLE,**
6 **OBTAIN, OR ATTEMPT TO OBTAIN DISMISSAL OF A CHARGE, INDICTMENT,**
7 **INFORMATION, OR WARRANT AGAINST A DEFENDANT WHO IS IN**
8 **CUSTODY OR HELD ON BOND WITH ANY COURT OR WITH THE**
9 **PROSECUTING ATTORNEY IN A COURT.**

10 **(C) PENALTIES.**

11 **ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION**
12 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**
13 **FINE NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT EXCEEDING 6**
14 **MONTHS OR BOTH.**

15 TASK FORCE NOTES: This section is new and reflects the substance of Anne Arundel
16 County Public Local Laws, Article 16, §§ 4-305 and 4-401 and the second sentence of
17 Montgomery County Public Local Laws, Article V, § 12-27.

18 **10-333. VEHICLE TOWER.**

19 **(A) SCOPE OF SECTION.**

20 **THIS SECTION:**

21 **(1) APPLIES ONLY IN BALTIMORE COUNTY AND HARFORD**
22 **COUNTY; AND**

23 **(2) DOES SHALL NOT APPLY TO A LICENSED MOTOR CLUB**
24 **OR OTHER INSURER.**

25 **(B) PROHIBITED ACT.**

1 **A PERSON WHO TOWS A DISABLED VEHICLE MAY NOT OFFER TO**
2 **OBTAIN OR PROVIDE, ENTER INTO AN ORAL OR WRITTEN AGREEMENT,**
3 **TO OBTAIN OR PROVIDE BAIL, OR ARRANGE FOR PROVIDING BAIL BOND**
4 **SERVICES TO ANY PERSON INVOLVED IN A MOTOR VEHICLE ACCIDENT.**

5 **(C) PENALTIES.**

6 **ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS**
7 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE**
8 **NOT EXCEEDING \$ 1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS**
9 **OR BOTH.**

10 TASK FORCE NOTES: This section is new and reflects the substance of Baltimore County
11 Public Local Laws, Article VI, § 24-235 and Harford County Public Local Laws, § 237-14.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect any
13 bail bond that, on September 30, 2005, has not been discharged and does not affect the
14 forfeiture of any bail bond on or before September 30, 2005, or any enforcement action
15 pending with regard to such forfeiture or any action pending as to the striking of such
16 forfeiture.

17 SECTION 3. AND BE IT FURTHER ENACTED, That the Chief Judge of the Court
18 of Appeals and Maryland Insurance Commissioner shall appoint a task force to accomplish
19 the transfer of duties from the Judiciary and State's attorneys to the Maryland Insurance
20 Commissioner in a timely and efficient manner and shall effect the transfer of records and
21 other matters needed for the transfer of duties.

22 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be
23 effective June 1, 2005.

24 SECTION 5. AND BE IT FURTHER ENACTED, That except as provided in Section
25 4 of this Act, this Act shall be effective October 1, 2005.