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Current Law	Disposition	Comment
<p>MD Rule 1-102. Unless inconsistent with these rules, circuit and local rules regulating ... and (5) appointment of bail bond commissioners and licensing and regulation of bail bondsmen, are not repealed. No circuit and local rules, other than ones regulating the matters and subjects listed in this Rule, shall be adopted.</p>	<p>Proposed Rule 1-102</p>	<p>Delete reference to local rules as to bail bond commissioners and bonds</p>
<p>MD Rule 4-212. (d) (2) Upon the request to the State’s Attorney, the court may order issuance of a warrant for the arrest of the defendant, other than a corporation, if an information has been filed against the defendant and the circuit court or the District Court has made a finding that there is probable cause to believe that the defendant committed the offense charged in the charging document or if an indictment has been filed against the defendant; and (A) the defendant has not been processed and released pursuant to Rule 4-216, or (B) the court finds there is a substantial likelihood that the defendant will not respond to a summons. A copy of the charging document shall be attached to the warrant. Unless the court finds that there is a substantial likelihood that the defendant will not respond to a criminal summons, the court shall not order issuance of a warrant for a defendant who has been processed and released pursuant to Rule 4-216 if the circuit court charging document is based on the same alleged acts or trans-actions. When the defendant has been processed and released pursuant to Rule 4-216, the issuance of a warrant for violation of conditions of release is governed by Rule 4-217.</p>		<p>No change. Check cross-references against final draft.</p>
<p>Md. Rule 4-212. (e) Unless the defendant is in custody, a warrant shall be executed by the arrest of the defendant. Unless the warrant and charging document are served at the time of the arrest, the officer shall inform the defendant of the nature of the offense charged and of the fact that a warrant has been issued. A copy of the warrant and charging document shall be served on the defendant promptly after the arrest. The defendant shall be taken before a judicial officer of the District Court without unnecessary delay and in no event later than 24 hours after arrest or, if the warrant so specifies, before a judicial officer of the circuit court without unnecessary delay and in no event later than the next session of court after the date of arrest. The court shall process the defendant pursuant to Rule 4-216 and may make provision for the appearance or waiver of counsel pursuant to Rule 4-215.</p>		<p>No change. Check cross-references against final draft.</p>

Current Law	Disposition	Comment
<p>MD Rule 4-212. (f) (1) When a defendant is arrested without a warrant, the defendant shall be taken before a judicial officer of the District Court without unnecessary delay and in no event later than 24 hours after arrest. When a charging document is filed in the District Court for the offense for which the defendant is already in custody a warrant or summons need not issue. A copy of the charging document shall be served on the defendant promptly after it is filed, and a return shall be made as for a warrant. When a charging document is filed in the circuit court for an offense for which the defendant is already in custody, a warrant issued pursuant to subsection (d)(2) of this Rule may be lodged as a detainer for the continued detention of the defendant under the jurisdiction of the court in which the charging document is filed. Unless otherwise ordered pursuant to Rule 4-216, the defendant remains subject to conditions of pretrial release imposed by the District Court.</p> <p>(2) A warrant issued pursuant to section (d) of this Rule for the arrest of a defendant in custody for another offense may be lodged as a detainer for the continued detention of the defendant for the offense charged in the charging document. When the defendant is served with a copy of the charging document and warrant, the defendant shall be taken before a judicial officer of the District Court, or of the circuit court if the warrant so specifies, without unnecessary delay. In the District Court the defendant's appearance shall be no later than 24 hours after service of the warrant, and in the circuit court it shall be no later than the next session of court after the date of service of the warrant.</p>		<p>No change.</p> <p>Check cross-reference against final draft.</p>
<p>MD Rule 4-213. (a) When a defendant appears before a judicial officer of the District Court pursuant to an arrest, the judicial officer shall proceed as follows: (4) The judicial officer shall comply with Rule 4-216 governing pretrial release.</p>		<p>No change.</p> <p>Check cross-reference against final draft.</p>
<p>MD Rule 4-213. (a) When a defendant appears before a judicial officer of the District Court pursuant to an arrest, the judicial officer shall proceed as follows: (6) As soon as practicable after the initial appearance by the defendant, the judicial officer shall file all papers with the clerk of the District Court or shall direct that they be forwarded to the clerk of the circuit court if the charging document is filed there. <i>Cross reference:</i> Code, Courts Article, § 10-912. See Rule 4-231(d) concerning the appearance of a defendant by video conferencing.</p>	<p>Proposed Rule 4-213(a)(6)</p>	<p>Add cross-reference to proposed duty to notify Maryland Insurance Commissioner.</p> <p>Check current and proposed cross-references against final draft.</p>

Current Law	Disposition	Comment
<p>MD Rule 4-213. (c) The initial appearance of the defendant in circuit court occurs when the defendant (1) is brought before the court by reason of execution of a warrant pursuant to Rule 4-212(e) or (f) (2), or (2) appears in person or by written notice of counsel in response to a summons. In either case, if the defendant appears without counsel the court shall proceed in accordance with Rule 4-215. If the appearance is by reason of execution of a warrant, the court shall inform the defendant of each offense with which the defendant is charged, ensure that the defendant has a copy of the charging document, and determine eligibility for pretrial release pursuant to Rule 4-216.</p>		<p>No change. Check cross-references against final draft.</p>
<p>MD Rule 4-216. (a) If a defendant was arrested without a warrant, the judicial officer shall determine whether there was probable cause for the arrest. If there was probable cause, the judicial officer shall implement the remaining sections of this Rule. If there was no probable cause, the judicial officer shall release the defendant on personal recognizance, with no other conditions of release, and the remaining sections of this Rule are inapplicable. <i>Cross reference:</i> See Rule 4-213(a)(4).</p>		<p>No change. Check cross-reference against final draft.</p>
<p>MD Rule 4-216. (b) In accordance with this Rule and Code, Criminal Procedure Article, §§ 5-101 and 5-201 and except as otherwise provided in section (c) of this Rule or by Code, Criminal Procedure Article, §§ 5-201 and 5-202, a defendant is entitled to be released before verdict on personal recognizance or on bail, in either case with or without conditions imposed, unless the judicial officer determines that no condition of release will reasonably ensure (1) the appearance of the defendant as required and (2) the safety of the alleged victim, another person, and the community.</p>		<p>No change. Check cross-references against final draft.</p>
<p>MD Rule 4-216. (c) A defendant charged with an offense for which the maximum penalty is death or life imprisonment or with an offense listed under Code, Criminal Procedure Article, § 5-202(a), (b), (c), (d), or (e) may not be released by a District Court Commissioner, but may be released before verdict or pending a new trial, if a new trial has been ordered, if a judge determines that all requirements imposed by law have been satisfied and that one or more conditions of release will reasonably ensure (1) the appearance of the defendant as required and (2) the safety of the alleged victim, another person, and the community.</p>		<p>No change. Check cross-reference against final draft.</p>

Current Law	Disposition	Comment
<p>MD Rule 4-216. (d) (1) In determining whether a defendant should be released and the conditions of release, the judicial officer shall take into account the following information, to the extent available: (A) the nature and circumstances of the offense charged, the nature of the evidence against the defendant, and the potential sentence upon conviction; (B) the defendant's prior record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; (C) the defendant's family ties, employment status and history, financial resources, reputation, character and mental condition, length of residence in the community, and length of residence in this State; (D) any recommendation of an agency that conducts pretrial release investigations; (E) any recommendation of the State's Attorney; (F) any information presented by the defendant or defendant's counsel; (G) the danger of the defendant to the alleged victim, another person, or the community; (H) the danger of the defendant to himself or herself; and (I) any other factor bearing on the risk of a wilful failure to appear and the safety of the alleged victim, another person, or the community, including all prior convictions and any prior adjudications of delinquency that occurred within three years of the date the defendant is charged as an adult.</p>		<p>No change.</p>
<p>Md Rule 4-216. (d) (2) Upon determining to release a defendant to whom section (c) of this Rule applies or to refuse to release a defendant to whom section (b) of this Rule applies, the judicial officer shall state the reasons in writing or on the record.</p>		<p>No change. Check cross-references against final draft.</p>
<p>MD Rule 4-216. (d) (3) If the judicial officer determines that the defendant should be released other than on personal recognizance without any additional conditions imposed, the judicial officer shall impose on the defendant the least onerous condition or combination of conditions of release set out in section (e) of this Rule that will reasonably: (A) ensure the appearance of the defendant as required, (B) protect the safety of the alleged victim by ordering the defendant to have no contact with the alleged victim or the alleged victim's premises or place of employment or by other appropriate order, and (C) ensure that the defendant will not pose a danger to another person or to the community.</p>		<p>No change. Check cross-reference against final draft.</p>

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Current Law	Disposition	Comment
<p>MD Rule 4-216. (d) (4) The judicial officer shall advise the defendant in writing or on the record of the conditions of release imposed and of the consequences of a violation of any condition. When bail is required, the judicial officer shall state in writing or on the record the amount and any terms of the bail.</p>		No change.
<p>MD Rule 4-216. (e) The conditions of release imposed by a judicial officer under this Rule may include: (1) committing the defendant to the custody of a designated person or organization that agrees to supervise the defendant and assist in ensuring the defendant's appearance in court;</p>		No change.
<p>MD Rule 4-216. (e) The conditions of release imposed by a judicial officer under this Rule may include: (2) placing the defendant under the supervision of a probation officer or other appropriate public official;</p>		No change.
<p>MD Rule 4-216. (e) The conditions of release imposed by a judicial officer under this Rule may include: (3) subjecting the defendant to reasonable restrictions with respect to travel, association, or residence during the period of release;</p>		No change.
<p>MD Rule 4-216. (e) The conditions of release imposed by a judicial officer under this Rule may include: (4) requiring the defendant to post a bail bond complying with Rule 4-217 in an amount and on conditions specified by the judicial officer, including any of the following: (A) without collateral security; (B) with collateral security of the kind specified in Rule 4-217(e)(1)(A) equal in value to the greater of \$100.00 or 10% of the full penalty amount, and if the judicial officer sets bail at \$2500 or less, the judicial officer shall advise the defendant that the defendant may post a bail bond secured by either a corporate surety or a cash deposit of 10% of the full penalty amount; (C) with collateral security of the kind specified in Rule 4-217(e)(1)(A) equal in value to a percentage greater than 10% but less than the full penalty amount; (D) with collateral security of the kind specified in Rule 4-217(e)(1) equal in value to the full penalty amount; or (E) with the obligation of a corporation that is an insurer or other surety in the full penalty amount;</p>	Proposed Rule 4-216(e)(4)	<p>Rules Criminal Subcommittee meeting on 10/7/04 as to changes, if any, necessitated by Ch. 531 (HB 1053), Acts of 2004.</p> <p>Substitute "licensed bail bondsman" for "corporate surety" and "corporation that is an insurer or other surety" in (B) and (E), respectively.</p> <p>Add cross-reference to Code, Art. 2B, § 12-108 proscription against requiring a bail bond and to Code, TR § 26-403 as to limit on bond amount for vehicle offenses.</p> <p>Check current and proposed cross-references against final draft.</p>

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Current Law	Disposition	Comment
<p>MD Rule 4-216. (e) The conditions of release imposed by a judicial officer under this Rule may include: (5) subjecting the defendant to any other condition reasonably necessary to: (A) ensure the appearance of the defendant as required, (B) protect the safety of the alleged victim, and (C) ensure that the defendant will not pose a danger to another person or to the community; and</p>		No change.
<p>MD Rule 4-216. (e) The conditions of release imposed by a judicial officer under this Rule may include: (6) imposing upon the defendant, for good cause shown, one or more of the conditions authorized under Code, Criminal Law Article, § 9-304 reasonably necessary to stop or prevent the intimidation of a victim or witness or a violation of Code, Criminal Law Article, § 9-302, 9-303, or 9-305. <i>Cross reference:</i> See Code, Criminal Procedure Article, § 5-201(b), and Code, Business Occupations and Professions Article, Title 20, concerning private home detention monitoring as a condition of release.</p>		No change. Check cross-references against final draft.
<p>MD Rule 4-216. (f) (1) A defendant who is denied pretrial release by a commissioner or who for any reason remains in custody for 24 hours after a commissioner has determined conditions of release pursuant to this Rule shall be presented immediately to the District Court if the court is then in session, or if not, at the next session of the court. The District Court shall review the commissioner's pretrial release determination and take appropriate action. If the defendant will remain in custody after the review, the District Court shall set forth in writing or on the record the reasons for the continued detention. <i>Cross reference:</i> See Rule 4-231(d) concerning the presence of a defendant by video conferencing.</p>		No change. Check cross-reference against final draft.
<p>MD Rule 4-216. (f) (2) If the defendant is a child whose case is eligible for transfer to the juvenile court pursuant to Code, Criminal Procedure Article, § 4-202(b), the District Court, regardless of whether it has jurisdiction over the offense charged, may order that a study be made of the child, the child's family, or other appropriate matters. The court also may order that the child be held in a secure juvenile facility.</p>		No change. Check cross-reference against final draft.
<p>MD Rule 4-216. (g) When conditions of pretrial release have been previously imposed in the District Court, the conditions continue in the circuit court unless amended or revoked pursuant to section (h) of this Rule.</p>		No change. Check cross-reference against final draft.

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Current Law	Disposition	Comment
<p>MD Rule 4-216. (h) After a charging document has been filed, the court, on motion of any party or on its own initiative and after notice and opportunity for hearing, may revoke an order of pretrial release or amend it to impose additional or different conditions of release. If its decision results in the detention of the defendant, the court shall state the reasons for its action in writing or on the record. A judge may alter conditions set by a commissioner or another judge.</p>		No change.
<p>MD Rule 4-216. (i) In order to eliminate unnecessary detention, the court shall exercise supervision over the detention of defendants pending trial. It shall require from the sheriff, warden, or other custodial officer a weekly report listing each defendant within its jurisdiction who has been held in custody in excess of seven days pending preliminary hearing, trial, sentencing, or appeal. The report shall give the reason for the detention of each defendant.</p>		No change.
<p>MD Rule 4-216. (j) A court may issue a bench warrant for the arrest of a defendant charged with a criminal offense who is alleged to have violated a condition of pretrial release. After the defendant is presented before a court, the court may (1) revoke the defendant's pretrial release or (2) continue the defendant's pretrial release with or without conditions. <i>Cross reference:</i> See Rule 1-361, Execution of Warrants and Body Attachments. See also, Rule 4-347, Proceedings for Revocation of Probation, which preserves the authority of a judge issuing a warrant to set the conditions of release on an alleged violation of probation.</p>		No change. Check cross-references against final draft.
<p>MD Rule 4-216. (k) Title 5 of these rules does not apply to proceedings conducted under this Rule.</p>		No change. Check cross-reference against final draft.
<p>MD Rule 4-217. (a) This Rule applies to all bail bonds taken pursuant to Rule 4-216, and to bonds taken pursuant to Rules 4-267, 4-348, and 4-349 to the extent consistent with those rules.</p>		No change. Check cross references against final draft.

Current Law	Disposition	Comment
<p>MD Rule 4-217. (b) As used in this Rule, the following words have the following meanings: (1) “Bail bond” means a written obligation of a defendant, with or without a surety or collateral security, conditioned on the appearance of the defendant as required and providing for the payment of a penalty sum according to its terms. (2) “Bail bondsman” means an authorized agent of a surety insurer. (3) “Bail bond commissioner” means any person appointed to administer rules adopted pursuant to Maryland Rule 16-817. Cross reference: Code, Criminal Procedure Article, § 5-203. (4) “Clerk” means the clerk of the court and any deputy or administrative clerk. (5) “Collateral security” means any property deposited, pledged, or encumbered to secure the performance of a bail bond. (6) “Surety” means a person other than the defendant who, by executing a bail bond, guarantees the appearance of the defendant, and includes an uncompensated or accommodation surety. (7) “Surety insurer” means any person in the business of becoming, either directly or through an authorized agent, a surety on a bail bond for compensation.</p>	<p>Proposed Rule 4-217(b)</p>	<p>Substitute “an individual who executes a bail bond as or for a surety” for “an authorized agent of a surety insurer”, in (b)(2).</p> <p>Delete (b)(3) and cross-reference.</p> <p>Substitute definition of “licensed surety” for “surety insurer” [w/ cross-reference to be checked against final draft].</p> <p>Add reference to “directly or indirectly” in (b)(6).</p> <p>Check cross-references, if any, against final draft.</p> <p>Query: In (b)(6), are “accommodation” and “uncompensated” sureties the same?</p>
<p>MD Rule 4-217. (c) Any clerk, District Court commissioner, or other person authorized by law may take a bail bond. The person who takes a bail bond shall deliver it to the court in which the charges are pending, together with all money or other collateral security deposited or pledged and all documents pertaining to the bail bond. Cross reference: Code, Criminal Procedure Article, §§ 5-204 and 5-205.</p>	<p>Proposed Rule 4-217(c)</p>	<p>Add “subject to the limitations in this Rule”.</p> <p>Check cross-references against final draft.</p>
<p>MD Rule 4-217. (d) (1) The Chief Clerk of the District Court shall maintain a list containing: (A) the names of all surety insurers who are in default, and have been for a period of 60 days or more, in the payment of any bail bond forfeited in any court in the State, (B) the names of all bail bondsmen authorized to write bail bonds in this State, and (C) the limit for any one bond specified in the bail bondsman’s general power of attorney on file with the Chief Clerk of the District Court.</p>	<p>Proposed Rule 4-217(d)(1)</p>	<p>Amend to reflect issuance of list in conjunction with MD Insurance Administration [w/ cross-reference to be checked against final draft].</p>

Current Law	Disposition	Comment
<p>MD Rule 4-217. (d) (2) No bail bond shall be accepted if the surety on the bond is on the current list maintained by the Chief Clerk of the District Court of those in default. No bail bond executed by a surety insurer directly may be accepted unless accompanied by an affidavit reciting that the surety insurer is authorized by the Insurance Commissioner of Maryland to write bail bonds in this State. (3) No bail bond executed by a bail bondsman may be accepted unless the bondman’s name appears on the most recent list maintained by the Chief Clerk of the District Court, the bail bond is within the limit specified in the bondsman’s general power of attorney as shown on the list or in a special power of attorney filed with the bond, and the bail bond is accompanied by an affidavit reciting that the bail bondsman: (A) is duly licensed in the jurisdiction in which the charges are pending, if that jurisdiction licenses bail bondsmen; (B) is authorized to engage the surety insurer as surety on the bail bond pursuant to a valid general or special power of attorney; and (C) holds a valid license as an insurance broker or agent in this State, and that the surety insurer is authorized by the Insurance Commissioner of Maryland to write bail bonds in this State. <i>Cross reference:</i> Code, Criminal Procedure Article, § 5-203 and Rule 16-817 (Appointment of Bail Bond Commissioner - Licensing and Regulation of Bail Bondsmen).</p>	<p>Proposed Rule 4-217(d)(2)</p>	<p>Replace first sentence in (d)(2) and all of (3) with new paragraph (1) cross-referencing proposed IN Title 10, Subtitle 3.</p> <p>Incorporate second sentence of (d)(2) in (g) and forms.</p> <p>Delete current cross-references.</p>
<p>MD Rule 4-217. (e) (1) A defendant or surety required to give collateral security may satisfy the requirement by: (A) depositing with the person who takes the bond the required amount in cash or certified check, or pledging intangible property approved by the court; or (B) encumbering one or more parcels of real estate situated in the State of Maryland, owned by the defendant or surety in fee simple absolute, or as chattel real subject to ground rent. No bail bond to be secured by real estate may be taken unless (1) a Declaration of Trust of a specified parcel of real estate, in the form set forth at the end of this Title as Form 4-217.1, is executed before the person who takes the bond and is filed with the bond, or (2) the bond is secured by a Deed of Trust to the State or its agent and the defendant or surety furnishes a verified list of all encumbrances on each parcel of real estate subject to the Deed of Trust in the form required for listing encumbrances in a Declaration of Trust.</p>	<p>Proposed Rule 4-217(e)(1)</p>	<p>Add (ii) relating to licensed bail bondsmen and limit (e)(1)(B) to “this subsection”. See IN Title 5.</p> <p>Add cross-reference to IRS reporting requirement.</p> <p>Check current and proposed cross-references against final draft.</p> <p>Query: Any way to address “certified check” in (e)(1)(A) a problem raised by Ms. Ritter?</p>
<p>MD Rule 4-217. (e) (2) Collateral security shall be accepted only if the person who takes the bail bond is satisfied that it is worth the required amount.</p>		<p>No change.</p>

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Current Law	Disposition	Comment
<p>MD Rule 4-217. (e) (3) Upon a finding that the collateral security originally deposited, pledged, or encumbered is insufficient to ensure collection of the penalty sum of the bond, the court, on motion by the State or on its own initiative and after notice and opportunity for hearing, may require additional or different collateral security.</p>		No change.
<p>MD Rule 4-217. (f) The condition of any bail bond taken pursuant to this Rule shall be that the defendant personally appear as required in any court in which the charges are pending, or in which a charging document may be filed based on the same acts or transactions, or to which the action may be transferred, removed, or if from the District Court, appealed, and that the bail bond shall continue in effect until discharged pursuant to section (j) of this Rule.</p>	Proposed Rule 4-217(f)	Insert “including” before “in any court”. See, e.g., Rule 4-216(d)(3)(A) and 5 th Circuit Rule 707a. Add requirement for surety to notify and accompany defendant, per 5 th Circuit Rule 707c and d. Check cross reference against final draft.
<p>MD Rule 4-217. (g) Every pretrial bail bond taken shall be in the form of the bail bond set forth at the end of this Title as Form 4-217.2, and shall be executed and acknowledged by the defendant and any surety before the person who takes the bond.</p>	Proposed Rule 4-217(g)	Add “under oath”. Check cross-reference against final draft.
<p>MD Rule 4-217. (h) A surety on a bail bond who has custody of a defendant may procure the discharge of the bail bond at any time before forfeiture by: (1) delivery of a copy of the bond and the amount of any premium or fee received for the bond to the court in which the charges are pending or to a commissioner in the county in which the charges are pending who shall thereupon issue an order committing the defendant to the custodian of the jail or detention center; and (2) delivery of the defendant and the commitment order to the custodian of the jail or detention center, who shall thereupon issue a receipt for the defendant to the surety. Unless released on a new bond, the defendant shall be taken forthwith before a judge of the court in which the charges are pending. On motion of the surety or any person who paid the premium or fee, and after notice and opportunity to be heard, the court may by order award to the surety an allowance for expenses in locating and surrendering the defendant, and refund the balance to the person who paid it.</p>	Proposed Rule 4-217(h).	Delete references to “fee”, to conform to IN §§ 10-327(b), which bar charges other than authorized premium and add cross-reference [to be checked against final draft]. See proposed Rule 4-217(k) as to notice to Maryland Insurance Commissioner as to discharge.

Current Law	Disposition	Comment
<p>MD Rule 4-217. (i) (1) If a defendant fails to appear as required, the court shall order forfeiture of the bail bond and issuance of a warrant for the defendant’s arrest. The clerk shall promptly notify any surety on the defendant’s bond, and the State’s Attorney, of the forfeiture of the bond and the issuance of the warrant. Cross reference: Code, Criminal Procedure Article, § 5-211.</p>	<p>Proposed Rule 4-217(i)(1)</p>	<p>Add requirement as to notice to Maryland Insurance Commissioner.</p> <p>Check cross reference against final draft.</p> <p>Query: Is notice necessary if surety required to appear with defendant per proposed subsection (e)?</p>
<p>MD Rule 4-217. (i) (2) If the defendant or surety can show reasonable grounds for the defendant’s failure to appear, notwithstanding Rule 2-535, the court shall (A) strike out the forfeiture in whole or in part; and (B) set aside any judgement entered thereon pursuant to subsection (4)(A) of this section, and (C) order the remission in whole or in part of the penalty sum paid pursuant to subsection (3) of this section. Cross reference: Code, Criminal Procedure Article, § 5-208(b)(1) and (2) and <i>Allegheny Mut. Cas. Co. v. State</i>, 234 Md. 278, 199 A.2d 201 (1964).</p>	<p>Proposed Rule 4-217(i)(2)</p>	<p>Add sentence barring reinstatement w/o surety’s written consent, per the first sentence of 7th Circuit Rule 714(k).</p> <p>Note 5th Circuit Rule 707d imposes 7-day/3-day periods.</p> <p>See proposed Rule 4-217(k) as to notice to Maryland Insurance Commissioner as to <i>inter alia</i> striking out forfeitures.</p> <p>Add cross-reference to CP § 1-207.</p> <p>Check current and proposed cross-references against final draft.</p>
<p>MD Rule 4-217. (i) (3) Within 90 days from the date the defendant fails to appear, which time the court may extend to 180 days upon good cause shown, a surety shall satisfy any order of forfeiture, either by producing the defendant in court or by paying the penalty sum of the bond. If the defendant is produced within such time by the State, the court shall require the surety to pay the expenses of the State in producing the defendant and shall treat the order of forfeiture satisfied with respect to the remainder of the penalty sum.</p>		<p>No change.</p> <p>See proposed Rule 4-217(k) as to notice to Maryland Insurance Commissioner as to <i>inter alia</i> satisfying forfeitures.</p> <p>Check cross reference against final draft.</p>

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<p>MD Rule 4-217. (i) (4) If an order of forfeiture has not been stricken or satisfied within 90 days after the defendant’s failure to appear, or within 180 days if the time has been extended, the clerk shall forthwith: (A) enter the order of forfeiture as a judgment in favor of the governmental entity that is entitled by statute to receive the forfeiture and against the defendant and surety, if any, for the amount of the penalty sum of the bail bond, with interest from the date of forfeiture and costs including any costs of recording, less any amount that may have been deposited as collateral security; and (B) cause the judgment to be recorded and indexed among the civil judgment records of the circuit court of the county; and (C) prepare, attest, and deliver or forward to any bail bond commissioner appointed pursuant to Rule 16-817, to the State’s Attorney, to the Chief Clerk of the District Court, and to the surety, if any, a true copy of the docket entries in the cause, showing the entry and recording of the judgment against the defendant and surety, if any. Enforcement of the judgment shall be by the State’s Attorney in accordance with those provisions of the rules relating to the enforcement of judgments.</p>	<p>Proposed Rule 4-217(i)(4)</p>	<p>Substitute “Maryland Insurance Commissioner” for “governmental entity that is entitled by statute to receive the forfeiture” and delete paragraph as to enforcement, to reflect proposed IN §§ 10-319 as to enforcement and disposition of proceeds.</p> <p>Substitute “for” for “of” in (B).</p> <p>Substitute reference to the “Maryland Insurance Commissioner” for the references to a bail bond commissioner and State’s attorney in (C).</p>
<p>MD Rule 4-217. (i) (5) When the defendant is produced in court after the period allowed under subsection (3) of this section, the surety may apply for the refund of any penalty sum paid in satisfaction of the forfeiture less any expenses permitted by law. If the penalty sum has not been paid, the court, on application of the surety and payment of any expenses permitted by law, shall strike the judgment against the surety entered as a result of the forfeiture.</p>		<p>No change.</p> <p>See proposed Rule 4-217(k) as to notice to Maryland Insurance Commissioner as to <i>inter alia</i> refunds after forfeitures.</p> <p>Check cross reference against final draft.</p>
<p>Md Rule 4-217. (i) (6) (A) If, within the period allowed under subsection (3) of this section, the surety produces evidence and the court finds that the defendant is incarcerated in a penal institution outside this State and that the State’s Attorney is unwilling to issue a detainer and subsequently extradite the defendant, the court shall strike out the forfeiture and shall return the bond or collateral security to the surety. (B) If, after the expiration of the period allowed under subsection (3) of this section, but within 10 years from the date the bond or collateral was posted, the surety produces evidence and the court finds that the defendant is incarcerated in a penal institution outside this State and that the State’s Attorney is unwilling to issue a detainer and subsequently extradite the defendant, the court shall (i) strike out the forfeiture; (ii) set aside any judgment thereon; and (iii) order the return of the forfeited bond or collateral or the remission of any penalty sum paid pursuant to subsection (3) of this section.</p>		<p>No change.</p> <p>See proposed Rule 4-217(k) as to notice to Maryland Insurance Commissioner as to <i>inter alia</i> striking out forfeitures.</p> <p>Check cross-references against final draft.</p>

Current Law	Disposition	Comment
<p>MD Rule 4-217. (j) (1) The bail bond shall be discharged when: (A) all charges to which the bail bond applies have been stetted, unless the bond has been forfeited and 10 years have elapsed since the bond or other security was posted; or (B) all charges to which the bail bond applies have been disposed of by a nolle prosequi, dismissal, acquittal, or probation before judgment; or (C) the defendant has been sentenced in the District Court and no timely appeal has been taken, or in the circuit court exercising original jurisdiction, or on appeal or transfer from the District Court; or (D) the court has revoked the bail bond pursuant to Rule 4-216 or the defendant has been convicted and denied bail pending sentencing; or (E) the defendant has been surrendered by the surety pursuant to section (h) of this Rule. Cross reference: See Code Criminal Procedure Article, § 5-208(d) relating to discharge of a bail bond when the charges are stetted. See also Rule 4-349 pursuant to which the District Court judge may deny release on bond pending appeal or may impose different or greater conditions for release after conviction than were imposed for the pretrial release of the defendant pursuant to Rule 4-216. (2) Upon the discharge of a bail bond and surrender of the receipt, the clerk shall return any collateral security to the person who deposited or pledged it and shall release any Declaration of Trust that was taken.</p>		<p>No change.</p> <p>See proposed Rule 4-217(k) as to notice to Maryland Insurance Commissioner as to <i>inter alia</i> discharging bonds.</p> <p>Check cross-references against final draft.</p>
<p>Form 4-217.1</p>	<p>Proposed Form 4-217.1</p>	<p>Substitute “other than an individual” for “corporation” and “body corporate”, to reflect addition of (e)(1)(ii) as to licensed bail bondsmen.</p> <p>Substitute “situated” for “situate”.</p> <p>Queries: Does this form need to be broadened to cover other bonds pursuant to Rule 4-217(a)?</p> <p>Are bonds numbered or otherwise marked for identification?</p>

Current Law	Disposition	Comment
<p>Form 4-217.2</p>	<p>Proposed Form 4-217.2</p>	<p>Add “under oath”.</p> <p>Delete space for dollar amount to be spelled out.</p> <p>Substitute “\$100” for “\$25”, to conform to Rule 4-216(e)(4)(B) but <i>query</i> Ch. 531 (HB 1053), Acts of 2004, amendment of CP § 5-205.</p> <p>Substitute “surety insurer licensed as a bail bondsman” for “corporation” and add space for licensing information.</p> <p>Check reference to “certified check” against final draft of Rule 4-217(e)(1)(A).</p> <p>Add reference to complying with licensing conditions as to pledging <i>etc.</i> property.</p> <p>Add “including” before “in any court”.</p> <p>Add statement of requirement to notify and produce defendant, per the 4th sentence of 5th Circuit Rule 707c.</p> <p>Delete checkoff for “fee” per current IN § 10-130 and COMAR 31.03.05.07 and add cross-reference to proposed IN § 10-328 [to be checked against final draft].</p> <p>Add line for license number.</p> <p><i>Query:</i> Does this form need to be broadened to cover other bonds pursuant to Rule 4-217(a)?</p>

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Current Law	Disposition	Comment
<p>MD Rule 4-221. (b) The commissioner or the clerk shall schedule a preliminary hearing date within 30 days after a timely request for a hearing and shall notify all parties of the date. For good cause shown, the court may reschedule the hearing.</p>	<p>Proposed Rule 4-221(b)</p>	<p>Add requirement to notify sureties, per 5th Circuit Rule 707c.</p> <p>Query: Should other notice requirements be added?</p>
<p>MD Rule 4-222. (a) A minor or an adult defendant who is detained after entry of an order waiving jurisdiction by a juvenile court shall be taken before a judicial officer of the District Court for a pretrial release hearing pursuant to Rule 4-216 without unnecessary delay and in no event later than 24 hours after the waiver order is entered. The petition alleging delinquency shall serve as the charging document for the purpose of detaining the minor or adult defendant pending the filing of a charging document pursuant to section (d) of this Rule. Cross reference: Code (1957, 1989 Repl. Vol.), Courts Art., § 10-912.</p>		<p>No change.</p> <p>Check cross-references against final draft.</p>
<p>MD Rule 4-222. (b) A minor or adult defendant shall be released on personal recognizance, with no other conditions of release, unless the judicial officer determines that there is probable cause to believe that the minor or adult defendant committed the offense described in the juvenile petition.</p>		<p>No change.</p> <p>Queries: Is this necessary in light of Md. Rule 4-216(a) and cross-reference in Md. Rule 4-222(a)? If necessary, should Rule 5-101(b)(6) be amended?</p>
<p>MD Rule 4-222. (c) A defendant who is denied pretrial release by a commissioner or who for any reason remains in custody for 24 hours after a commissioner has determined conditions of release pursuant to this Rule shall be presented immediately to the District Court if the court is then in session or, if not, at the next session of the court. The District Court shall review the commissioner's pretrial release determination and shall take appropriate action thereon. If the minor or adult defendant will remain in custody after the review, the District Court shall set forth in writing or on the record the reasons for the continued detention.</p>		<p>No change.</p> <p>Queries: Is this necessary in light of Md. Rule 4-216(a) and cross-reference in Md. Rule 4-222(a)? If necessary, should Rule 5-101(b)(6) be amended?</p>

Current Law	Disposition	Comment
<p>MD Rule 4-222. (d) Within ten days after the entry of the waiver order, a charging document shall be filed in the District Court or in the circuit court charging the minor or adult defendant with the offense described in the juvenile petition. If not so filed, the minor or adult defendant shall be released without prejudice from all conditions of pretrial release.</p>		No change.
<p>MD Rule 4-231. (d) In the District Court, if the Chief Judge of the District Court has approved the use of video conferencing in the county, a judicial officer may conduct an initial appearance under Rule 4-213(a) or a review of the commissioner's pretrial release determination under Rule 4-216(f) with the defendant and the judicial officer at different locations, provided that: (1) the video conferencing procedure and technology are approved by the Chief Judge of the District Court for use in the county; (2) immediately after the proceeding, all documents that are not a part of the District Court file and that would be a part of the file if the proceeding had been conducted face-to-face shall be electronically transmitted or hand-delivered to the District Court; and (3) if the initial appearance under Rule 4-213 is conducted by video conferencing, the review under Rule 4-216(f) shall not be conducted by video conferencing.</p>		No change. Check cross-references against final draft.
<p>Rule 4-247. (b) When nolle prosequi has been entered on a charge, any conditions of pretrial release on that charge are terminated, and any bail bond posted for the defendant on that charge shall be released. The clerk shall take the action necessary to recall or revoke any outstanding warrant or detainer that could lead to the arrest or detention of the defendant because of that charge.</p>	Proposed Rule 4-247(b)	Add cross-reference to duty to notify Maryland Insurance Commissioner of discharge of bail bond.
<p>Rule 4-251. (c) (2) If the court grants a motion to transfer jurisdiction of an action to the juvenile court, the court shall enter a written order waiving its jurisdiction and ordering that the defendant be subject to the jurisdiction and procedures of the juvenile court. In its order the court shall (A) release or continue the pretrial release of the defendant, subject to appropriate conditions reasonably necessary to ensure the appearance of the defendant in the juvenile court or (B) place the defendant in detention or shelter care pursuant to Code, Courts Article, § 3-815. Until a juvenile petition is filed, the charged document shall be considered a juvenile petition for the purpose of imposition and enforcement of conditions of release or placement of the defendant in detention or shelter care. <i>Cross reference:</i> Code, Criminal Procedure Article, § 4-202.</p>	Proposed Rule 4-251(c)(2)	Add “as required, including” before “in juvenile court”. Check cross-references against final draft.

Current Law	Disposition	Comment
<p>MD Rule 4-252. (h) (3) If the court grants a motion to transfer jurisdiction of an action to the juvenile court, the court shall enter a written order waiving its jurisdiction and ordering that the defendant be subject to the jurisdiction and procedures of the juvenile court. In its order the court shall (A) release or continue the pretrial release of the defendant, subject to appropriate conditions reasonably necessary to ensure the appearance of the defendant in the juvenile court or (B) place the defendant in detention or shelter care pursuant to Code, Court Article, § 3-815. Until a juvenile petition is filed, the charging document shall have the effect of a juvenile petition for the purpose of imposition and enforcement of conditions of release or placement of the defendant in detention or shelter care. <i>Cross reference:</i> Code, Criminal Procedure Article, § 4-202.</p>	<p>Proposed Rule 4-252(h)(3)</p>	<p>Add “as required, including” before “in juvenile court”.</p>
<p>MD Rule 4-267. (a) When a peace officer takes a person into custody as a material witness without an order of court for attachment, the person shall be taken promptly before a judicial officer in the county in which the action is pending or where the witness is taken into custody. If the judicial officer determines, after a hearing, that (1) the testimony of the witness is material in a criminal proceeding, and (2) it may become impracticable to secure the witness’ attendance by subpoena, the judicial officer shall set a reasonable bond to ensure the attendance of the witness at the hearing or trial when required. A witness who is unable to post the prescribed bond shall be committed to jail. After seven days a detained witness shall be released unless, prior thereto, the court, after hearing, orders further detention pursuant to an application filed in accordance with this Rule.</p>	<p>Proposed Rule 4-267(a)</p>	<p>Substitute “as required, including at a hearing or trial” for “at the hearing or trial when required”.</p>
<p>MD Rule 4-267. (b) Upon application filed by a party in accordance with this Rule, the court may order the issuance of a body attachment of a witness and require the witness to post a bond in an amount fixed by the court to ensure attendance if the court is satisfied that (1) the testimony of the witness is material in a criminal proceeding, and (2) it may become impracticable to secure the witness’ attendance by subpoena. The sheriff or peace officer shall execute a body attachment by taking the witness into custody and forthwith before a judicial officer in the county where the action is pending or where the witness is taken into custody to post bond. A witness who is unable to post the prescribed bond shall be committed to jail. Within three days after the witness is taken into custody, the court shall hold a hearing with respect to any matter contained in the application or to the conditions of release imposed on the witness.</p>	<p>Proposed Rule 4-267(b)</p>	<p>Substitute “appearance as required” and “appearance” for “attendance, for consistency.</p>
<p>MD Rule 4-267. (d) The condition of a bond posted pursuant to this Rule shall be that the witness personally appear as required to give evidence in any court (1) in which charges are pending against a named defendant in a particular criminal action, or (2) in which a charging document may be filed based on the same acts or transactions, or (3) to which the action may be transferred or removed; and that the bond shall continue in effect until discharged by the court having jurisdiction of the action.</p>	<p>Proposed Rule 4-267(d)</p>	<p>Add “including” before “in any court”.</p>

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Current Law	Disposition	Comment
<p>MD Rule 4-267. (e) An application for continued detention under section (a) of this Rule or for a body attachment under section (b) of this Rule shall be verified and shall contain the following:</p> <ol style="list-style-type: none"> (1) The name and present address of the witness; (2) The designation of the action for which the testimony of the witness is required; (3) A summary of the information or testimony of which the moving party believes the witness has knowledge; (4) The materiality of the expected testimony of the witness; (5) The reason for requiring a bond or incarceration to ensure the attendance of the witness. <p>Cross reference: Code (1957, 1989 Repl. Vol.), Courts Art., § 9-203.</p>	<p>Proposed Rule 4-267(e)</p>	<p>Substitute “appearance ... as required” for “attendance”.</p> <p>Add cross-reference to MD Rule 4-217 and CJ § 9-204.</p> <p>Check current and proposed cross-references against final draft.</p>
<p>MD Rule 4-348. (c) Upon the filing of an appeal or petition of writ of certiorari in any appellate court, a sentence to pay a fine or a fine and costs may be stayed by the court upon terms the court deems proper, but any bond required to stay the payment pending appeal may not exceed the unpaid amount of the fine and costs, if any.</p>	<p>Proposed Rule 4-348(c)</p>	<p>Add cross-reference to Md. Rule 4-217 [to be checked against final draft].</p>
<p>MD Rule 4-349. (b) In determining whether a defendant should be released under this Rule, the court may consider the factors set forth in Rule 4-216(e) and, in addition, whether any appellate review sought appears to be frivolous or taken for delay. The burden of establishing that the defendant will not flee or pose a danger to any other person or to the community rests with the defendant.</p>		<p>No change.</p> <p>Check cross-reference against final draft.</p>
<p>MD Rule 4-349. (c) The court may impose different or greater conditions for release under this Rule than had been imposed upon the defendant pursuant to Rule 4-216 before trial. When the defendant is released pending sentencing, the condition of any bond required by the court shall be that the defendant appear for further proceedings as directed and surrender to serve any sentence imposed. When the defendant is released pending any appellate review, the condition of any bond required by the court shall be that the defendant prosecute the appellate review according to law and, upon termination of the appeal, surrender to serve any sentence required to be served or appear for further proceedings as directed. The bond shall continue until discharged by order of the court or until surrender of the defendant, whichever is earlier.</p>	<p>Proposed Rule 4-349(c)</p>	<p>Delete “further proceedings” as too narrow.</p> <p>Check cross-reference against final draft.</p>
<p>MD Rule 4-349. (d) The court, on motion of any party or on its own initiative and after notice and opportunity for hearing, may revoke an order of release or amend it to impose additional or different conditions of release. If its decision results in the detention of the defendant, the court shall state the reasons for its action in writing or on the record.</p>	<p>Proposed Rule 4-349(d)</p>	<p>Add cross-reference to Md. Rule 4-217 [to be checked against final draft].</p>

Current Law	Disposition	Comment
<p>MD Rule 4-407. (b) The statement shall include or be accompanied by an order either granting or denying relief. If the order is in favor of the petitioner, the court may provide for arraignment, retrial, custody, bail, discharge, correction of sentence, or other matters that may be necessary and proper.</p>	<p>Proposed Rule 4-407(b)</p>	<p>Add cross-reference to Rule 4-217 [to be checked against final draft].</p>
<p>Rule 5-101. (b) The rules in this Title other than those relating to the competency of witnesses do not apply to the following proceedings: (6) Pretrial release under Rule 4-216 or release after conviction under Rule 4-349; (11) Detention and shelter care hearings under Rule 11-112; and (12) Any other proceeding in which, prior to the adoption of the rules in this Title, the court was traditionally not bound by the common-law rules of evidence.</p>		<p>No change but see query after Rule 4-222. Check cross-references against final draft.</p>
<p>MD Rule 11-113. a. 1. Upon the filing of a juvenile petition alleging delinquency the court may on its own motion waive its exclusive original jurisdiction so that the respondent may be tried in the criminal court. g. 1. If the court concludes that its jurisdiction should be waived, it shall: (a) state the grounds for its decision on the record or in a written memorandum filed with the clerk. (b) enter an order: (i) waiving its jurisdiction and ordering the respondent held for trial under the appropriate criminal procedure; (ii) placing the respondent in the custody of the sheriff or other appropriate officer in an adult detention facility pending a pretrial release hearing pursuant to Rule 4-222. 2. The juvenile petition shall be considered a charging document for the purpose of detaining the respondent pending a bail hearing. 3. A true copy of the juvenile petition and of the court's signed order shall be furnished forthwith by the clerk to the appropriate officer pending a bail hearing.</p>		<p>No change. Check cross-references against final draft. Query: Is "bail hearing" too narrow? Compare g1(b)(ii).</p>
<p>MD Rule 15-303. (a) Upon receiving a petition for a writ of habeas corpus, the judge immediately shall refer it as provided in section (c) of this Rule or act on the petition as provided in section (d) or (e) or this Rule, except that if the petition seeks a writ of habeas corpus for the purpose of determining admission to bail or the appropriateness of any bail set, the judge may proceed in accordance with section (b) of this Rule.</p>		<p>No change. Query: Should surety be notified?</p>

Current Law	Disposition	Comment
<p>MD Rule 15-303. (b) (1) If a petition by or on behalf of an individual who is confined prior to or during trial seeks a writ of habeas corpus for the purpose of determining admission to bail or the appropriateness of any bail set, the judge to whom the petition is directed, may deny the petition without a hearing if a judge has previously determined the individual’s eligibility for pretrial release or the conditions for such release pursuant to Rule 4-216 and the petition raises no grounds sufficient to warrant issuance of the writ other than grounds that were or could have been raised when the earlier pretrial release determination was made. <i>Cross reference:</i> Rule 4-213(c).</p>		<p>No change. Check cross-references against final draft.</p>
<p>MD Rule 16-817. A majority of the judges of the circuit courts in any appellate judicial circuit may appoint a bail bond commissioner and license and regulate bail bondsmen and acceptance of bail bonds. Each bail bond commissioner appointed pursuant to this Rule shall prepare, maintain, and periodically distribute to all District Court commissioners and clerks within the jurisdiction of the appellate judicial circuit for posting in their respective offices, to the State Court Administrator, and to the Chief Clerk of the District Court, an alphabetical list of bail bondsmen licensed to write bail bonds within the appellate judicial circuit, showing the bail bondsman’s name, business address and telephone number, and any limit on the amount of any one bond, and the aggregate limit on all bonds, each bail bondsman is authorized to write.</p>	Delete.	
<p>3rd Circuit (Baltimore & Harford Counties): Per Criminal Division in Harford County, no local rules; Baltimore County has the following: 8/22/96: Bail review hearings will no longer be coordinated by the chamber’s judge. All requests for bail reviews will be automatically set by the criminal assignment office before one of the judges who has a criminal docket for the date scheduled. All requests to review “pre-set” bails (placed on a bench warrant or a body attachment) by individual Circuit Court judges will continue to be set for hearing by that judge’s chambers. 9/21/99 Memo from Judge Turnbull, on scheduling bail hearings: Any Petitions received on Monday or Tuesday, will be scheduled for the following Thursday. Any Petitions received on Wednesday or Thursday, will be scheduled for the following Monday. Any Petitions received on Friday, will be scheduled for the following Tuesday.</p>		<p>No change. <u>Queries:</u> Codify in Maryland Rules? Letter to circuit and county administrative judge as to currency and preference?</p>
Form		

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Current Law	Disposition	Comment
<p>5th Circuit Rule 707. a. Every bail bond taken by an authorized person shall be conditioned on the continued personal appearance of the defendant before any justice of the peace, Trial Magistrate, grand jury, or court when required. The bond so taken shall secure the appearance of the defendant to any indictment which may later be filed against him based on the alleged criminal act which gave rise to the criminal cause in which the accused or witness is held to bail when the bond is executed, although such indictment charges a different offense, or accuses more or fewer persons. A court, Trial Magistrate, or Justice of the Peace may require additional conditions of bond.</p>	Rescind.	1 st and 2 nd sentences covered by current and proposed Rule 4-217(f). 3 rd sentence covered by current Rule 4-217(e).
<p>5th Circuit Rule 707. b. The State’s Attorney is authorized and directed by appropriate motion to call the attention of the court any bond he deems to be deficient in any manner or insufficient to assure the presence of the defendant in court when required, or fully to protect the interests of the State of Maryland in the collection thereof in the event of default.</p>	Rescind.	Covered by Rule 4-217(e)(3), although different criteria as to sufficiency.
<p>5th Circuit Rule 707. c. The court or the State’s Attorney shall notify the clerk of the times, dates, and places which have been assigned for arraignments, hearings, trials and sentencings in criminal cases and criminal appeals. Immediately upon being so informed, the clerk shall notify the bondsman and all who have signed as sureties on the bond of any accused whose case or appeal has been so assigned. Ordinarily, such notice shall be given by a pre-paid postal card mailed by the clerk through first-class United States mail and addressed to each bondsman and surety to the address listed upon the bond for each said bondsman and surety where such postal card will ordinarily be received and delivered to said address before the day so assigned. In all other cases such notice shall be given by telephone message from the clerk to any office or residence listed with said clerk for said bondsman or surety. The clerk is not required to notify an accused who is at liberty under bond of any times, dates, and places which have been so assigned, inasmuch as it is the responsibility of each bondsman and surety who have been notified as above to notify the accused and produce said accused on the time and dates and places which have been so assigned without notice from the clerk.</p>	Rescind.	Part of requirement for notice codified in proposed Rule 4-221(b). Duty of surety to notify and produce defendant codified in proposed Rule 4-217(f).

Current Law	Disposition	Comment
<p>5th Circuit Rule 707. d. When an accused fails to appear, the State’s Attorney shall in open court move to have the bail of said accused forfeited and, in addition thereto, shall have the right and discretion to request the court to issue its bench warrant for the immediate arrest of said accused. In addition to the accused, the bondsman and all who have signed a surety on his bond shall appear on all of the times and dates and at the places which have been so assigned for the said accused to appear. Upon the failure of the accused to appear as aforesaid after his bondsman and sureties have been notified of the place, time, and date for him so to appear, the court shall forfeit his bail nisi, which said forfeiture shall become absolute without further action of the court at the expiration [sic] of seven additional days (three days in criminal appeal cases), unless within that time the defendant either appears in this court or is surrendered by his bondsman or surety to the sheriff, jail, or detention center.</p>	<p>Rescind.</p>	<p>1st and 3rd sentences covered by current and proposed Rule 4-217(i)(1), although duty for State’s attorney to move for forfeiture is not stated.</p> <p>2nd sentence codified in proposed Rule 4-217(f).</p>
<p>5th Circuit Rule 707. e. 1. Whenever any bondsman or surety for any reason has failed to satisfy and pay the amount of his bail as forfeited at the time of the forfeiture of said bail becomes absolute, the clerk shall immediately and without further action of the court cause the said forfeiture absolute to be recorded and indexed among the judgment records of the court as a judgment absolute in favor of the State of Maryland against each said bondsman and surety for the amount of his bail as forfeited with interest thereon from the date said forfeiture becomes absolute and costs accruing thereon and shall, at the same time, prepare and deliver to the State’s Attorney two copies of the docket entries of the court showing said forfeiture absolute attested to by the clerk under his seal, together with two complete photostatic copies of all of the bond instruments furnished him by said bondsman or surety in connection with said bail. Thereafter, the clerk shall not approve or accept any bail, collateral, or bond offered by any accused or by any bondsman or surety who has failed to satisfy and pay any forfeiture absolute of bail which said accused, bondsman, or surety has suffered or allowed to become absolute until the same has been fully paid and satisfied.</p>	<p>Rescind.</p>	<p>1st sentence covered by current and proposed Rule 4-217(i)(4), although duty to send docket entries to State’s attorney proposed for deletion in light of transfer of enforcement duties to Maryland Insurance Administration.</p> <p>2nd sentence covered by current and proposed Rule 4-217(d).</p>
<p>5th Circuit Rule 707. e. 2. Whenever any bondsman or surety for any reason has failed to satisfy and pay the amount of his bail as forfeited at the time the forfeiture of said bail becomes absolute, the State’s Attorney shall immediately order execution to be issued for the recovery of said unsatisfied forfeiture, together with interest and costs accruing thereon, and he shall also, on behalf of the court and State, seek the revocation and suspension by the Insurance Commissioner of the State of Maryland of the right of any corporate surety which has failed to satisfy and pay any said forfeiture at the time said forfeiture becomes absolute, to do business in this State and to seek the revocation of its charter. In addition, whenever any bondsman or surety for any reason has failed to satisfy and pay the amount of his bail as forfeited at the time the forfeiture of said bail becomes absolute, the State’s Attorney shall immediately inform the licensing agency for bondsmen, if any, within the county, as well as each committing magistrate, and each Trial Magistrate or People’s Court within the county that said bondsman or surety has not satisfied and paid the said forfeiture absolute.</p>	<p>Rescind.</p>	<p>Codified in proposed IN § 10-319.</p>

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Current Law	Disposition	Comment
<p>5th Circuit Rule 707. f. Nothing herein contained shall be construed to abridge or limit the right of the court for proper cause and upon motion timely made in court by an accused or by his bondsman or surety to fully or partially strike out any forfeiture nisi or forfeiture absolute of bail if the accused be produced in the court or surrendered to the sheriff, jail, or detention center after said forfeiture upon such terms and conditions as the court shall determine are just and reasonable.</p>	Rescind.	Covered by current and proposed Rule 4-217(i)(2).
<p>7th Circuit Rule 714. (a) This Rule applies to all bail bonds taken pursuant to: (1) Maryland Rule 4-216 - Pretrial release pending verdict or new trial. (2) Maryland Rule 4-267 - Body Attachment of Material Witness. (3) Maryland Rule 4-348 - Stay of Execution of Sentence. (4) Maryland Rule 4-349 - Release After Conviction.</p>	Rescind.	Covered by Rule 4-217(a).
<p>7th Circuit Rule 714. (b) The provisions of this Rule shall apply in all Circuit and District Courts in the Seventh Judicial Circuit of Maryland. The Clerk of any Court and the District Court Commissioner are authorized to accept any bail bond tendered in accordance with this Rule, if authorized by law or the Maryland Rules, for the appearance of any person located in the county where the authorized person holds office.</p>	Rescind.	1 st sentence unnecessary in light of proposed Statewide provisions. 2 nd sentence covered by current and proposed Rule 4-217(c), except 7 th Circuit reference to being located in county.
<p>7th Circuit Rule 714. (c) The condition of every bail bond taken pursuant to this Rule shall be that the defendant personally appear as required in any court in which the charges are pending, or in which a charging document may be filed based on the same acts or transactions, or to which the action may be transferred, removed, or if from the District Court, appealed, and that the bail bond shall remain in effect until discharged pursuant to Maryland Rule 4-217(j).</p>	Rescind.	Covered by Rule 4-217(f).
<p>7th Circuit Rule 714. (d) (1) <u>Authorized Agent</u> - means a person authorized by this Rule to be designated by a surety insurer to act on behalf of the surety insurer.</p>	Rescind.	Covered by current and proposed Rule 4-217(b)(2), the latter of which reflects change to “insurance producer” from “agent” effected by Ch. 731, Acts of 2001.
<p>7th Circuit Rule 714. (d) (2) <u>Bail Bond</u> - means a written obligation of a defendant, with or without a surety or collateral security, conditioned on the appearance of the defendant as required and providing for the payment of a penalty sum according to its terms.</p>	Rescind.	Covered by current and proposed Rule 4-217(b)(1).
<p>7th Circuit Rule 714. (d) (3) <u>Bail Bond Commissioner</u> - means any person appointed to administer rules adopted pursuant to Maryland Rule 1285.</p>	Rescind.	Covered by current Rule 4-217(b)(3), which is proposed for deletion.

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714. (d) (4) <u>Clerk</u> - means the clerk of the circuit or of the District Court, and any deputy or administrative clerk.</p>	Rescind.	Covered by current and proposed Rule 4-217(b)(4).
<p>7th Circuit Rule 714. (d) (5) <u>Collateral</u> - means anything accepted by a surety insurer from a principal, which is intended to indemnify the surety insurer in the event of the defendant's default.</p>	Rescind.	Codified in proposed IN § 10-316.
<p>7th Circuit Rule 714. (d) (6) <u>Collateral Security</u> - means any property deposited, pledged, or encumbered to secure the performance of a bail bond.</p>	Rescind.	Covered by current and proposed Rule 4-217(d)(5).
<p>7th Circuit Rule 714. (d) (7) <u>Commissioner</u> - means a commissioner of the District Court.</p>	Rescind.	
<p>7th Circuit Rule 714. (d) (8) <u>Expenses</u> - are the costs incurred by the Court in the proper administration of the duties of the Bail Bond Commissioner as established by statute and these rules.</p>	Rescind.	Does not appear to be used in 7 th Circuit Rules.
<p>7th Circuit Rule 714. (d) (9) <u>Fee</u> - the premium charged by a surety insurer to a defendant or principal for becoming a surety on a bail bond.</p>	Rescind.	Covered by IN §§ 1-101(ff) and proposed IN § 10-327, defining “premium” and barring fees other than authorized premiums.
<p>7th Circuit Rule 714. (d) (10) <u>License Fee</u> - a fee, charged by the court, as authorized by statute, to be levied and collected by the Bail Bond Commissioner, for the authority and privilege of doing business as a surety insurer.</p>	Rescind.	Covered by proposed IN § 2-112 for Maryland Insurance Commissioner
<p>7th Circuit Rule 714. (d) (11) <u>Principal</u> - a person who contracts with a surety insurer for the execution of a bail bond and who may be the defendant or a third party.</p>	Rescind.	Referred to as “buyer” in proposed IN § 10-315, per COMAR 31.03.05.09 reference to “purchaser”.
<p>7th Circuit Rule 714. (d) (12) <u>Statute</u> - means Article 27 Section 616-1/2 of the Annotated Code of Maryland.</p>	Rescind.	Recodified in CP Art. by Ch. 10, Acts of 2001.
<p>7th Circuit Rule 714. (d) (13) <u>Surety</u> - means a person, other than the defendant, who, by executing a bail bond, guarantees the appearance of the defendant, and includes an uncompensated or accommodation surety.</p>	Rescind.	Covered by current and proposed Rule 4-217(b)(6), with addition of “directly or indirectly”.

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714. (d) (14) <u>Surety Insurer</u> - means any person in the business of becoming, either directly or through an authorized agent, a surety on a bail bond for compensation.</p>	Rescind.	Covered by current Rule 4-217(b)(7), which is proposed for deletion in light of proposed definition of “licensed surety”.
<p>7th Circuit Rule 714. (e) (1) <u>Execution of Bonds</u> - every surety shall make oath before the persons authorized to accept a bond that: (A) The surety insurer’s license issued pursuant to these rules and the statute is in full force and effect and has not been suspended or revoked; (B) The total outstanding bonds secured by the surety are within the aggregate amount authorized by this Rule: (C) No bond secured by the surety remains forfeited absolute and unsatisfied for a period of over ninety (90) days.</p>	Rescind.	Covered by current Rule 4-217(d)(2) and (3) and proposed Rule 4-217(d)(2).
<p>7th Circuit Rule 714. (e) (1) <u>Execution of Bonds</u> - every surety shall make oath before the persons authorized to accept a bond that: (D) Every bail bond taken pursuant to this rule shall be in the form of the bail bond as set forth in the Maryland Rules of Procedure as Form 4-217.2.</p>	Rescind.	Covered by Rule 4-217(g), with proposed addition of “under oath”.
<p>7th Circuit Rule 714. (e) (2) <u>Transmittal of Records</u> - The Clerks of the District and Circuit Courts and all District Court Commissioners shall transmit to the Bail Bond Commissioner: (A) A copy of any bail bonds filed in their respective offices within ten (10) days of the filing; (B) A record of any absolute bail bond forfeitures within (10) days of the date of forfeiture; (C) A record of any absolute bail bond forfeitures stricken within ten (10) days of the date of the order striking the absolute forfeiture; and, (D) A record of any bond premiums remitted by surety insurers to any District Court Commissioner or clerk of the court, upon premature surrender of any defendant.</p>	Rescind.	Covered by proposed Rule 4-217(k) as to Maryland Insurance Commissioner, although specific time limit for, and form of, notice are not set out.
<p>7th Circuit Rule 714. (f) A surety insurer may execute a bond in this Circuit if the surety insurer pays the licensing fee as required by the statute, and;</p>	Rescind.	Covered by proposed IN § 10-308(2).
<p>7th Circuit Rule 714. (f) A surety insurer may execute a bond in this Circuit if ... and; (1) The surety insurer’s name appears on the list of authorized bail bondsmen maintained by the Chief Clerk of the District Court and is not in default; or</p>	Rescind.	Covered by current and proposed Rule 4-217(d).

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714. (f) A surety insurer may execute a bond in this Circuit if ... and; (2) The surety insurer has been licensed by the Bail Bond Commissioner pursuant to Local Rule 714A(b) and is not in default.</p>	Rescind.	Deleted in light of proposed Statewide provisions.
<p>7th Circuit Rule 714. (g) (1) A defendant or surety required to give collateral security may satisfy the requirement as provided in Maryland Rule 4-217. (2) Any uncompensated surety, or defendant, who shall secure the performance of a bail bond with real property, shall execute a “Consent to Lien” instead of a Declaration or Deed of Trust. The surety or defendant shall pay all necessary recordation and release fees to the Clerk of the Circuit Court before the lien will be released by the Clerk of the Court.</p>	Rescind.	Covered by current and proposed Rule 4-217(e)(1), although current reference to Declaration or Deed of Trust retained, and proposed Rule 4-217(k) pertains to notice to Maryland Insurance Commissioner.
<p>7th Circuit Rule 714. (g) (3) In the event a surety, who is licensed outside this Circuit and/or whose performance is secured by real property located outside this Circuit, executes a bond within this Circuit, the Bail Bond Commissioner shall transmit within ten (10) days, a copy of the bail bond form and any declaration of trust or deed of trust to the State’s Attorney or Bail Bond Commissioner in the county where the property is located.</p>	Rescind.	Delete as unnecessary in light of proposed transfer of enforcement function from State’s attorneys to Maryland Insurance Commissioner.
<p>7th Circuit Rule 714. (h) The bail bond shall be discharged as provided in Maryland Rule 4-217.</p>	Rescind.	
<p>7th Circuit Rule 714. (i) Upon the discharge of a bail bond, the clerk shall: (1) Return any cash to the person who deposited the cash, upon surrender of the receipt; (2) Release any Declaration of Trust, Deed of Trust, or Consent to lien against any real property used as security for the bail bond.</p>	Rescind.	Covered by 3 rd paragraph of current Rule 4-217(h) and 2 nd paragraph of proposed Rule 4-217(h), although requires court order.
<p>7th Circuit Rule 714. (j) (1) Forfeiture of bail bonds, striking out of forfeitures, enforcement of forfeitures, and the satisfaction of forfeitures shall be as provided in Maryland Rule 4-217(i) and the statute.</p>	Rescind.	
<p>7th Circuit Rule 714. (j) (2) <u>Satisfaction of a forfeiture by payment of the penalty sum</u> - A surety may avoid suspension of any license or enforcement of the forfeiture by payment of the full penalty sum due within the time allowed in Maryland Rule 4-217(1)(3).</p>	Rescind.	Covered by current and proposed Rule 4-217(i)(3), which refer to treating judgment as satisfied rather than avoiding license suspension for which there may be other grounds under IN § 10-126 or proposed IN § 10-312.

Current Law	Disposition	Comment
<p>7th Circuit Rule 714. (j) (3) (A) In the event an order of forfeiture remains unsatisfied after the time allowed in Maryland Rule 4-217(i)(3), and the bail bond was secured by the defendant or surety by real property, the declaration of trust or deed of trust shall be foreclosed in proceedings conducted by the State's Attorney in the manner as provided in the Maryland Rules Subtitle W (Foreclosure of Mortgages and Other Security Devices). (B) In the event of such foreclosure, the proceeds derived from the sale shall be applied as follows:</p> <ol style="list-style-type: none"> (1) The expense of foreclosure; (2) To satisfy the amount of penalty of every bond forfeited absolute; (3) Retain in the Registry of the Court such amount as deemed necessary to secure the penalty on all outstanding bonds filed by the surety until all are discharged; and (4) Payment of any license fee due. 	Rescind.	Codified in proposed IN § 10-319(b), with substitution of "Title 14, Chapter 200" for the obsolete reference to Maryland Rules Subtitle W.
<p>7th Circuit Rule 714. (k) The Court may not reinstate a forfeited bond without the explicit written consent of the surety. The Bail Bond Commissioner shall, upon the Court's request, ascertain the surety's written consent or refusal to reinstatement.</p>	Rescind.	1 st sentence codified in proposed Rule 4-217(i)(2). 2 nd sentence deleted in light of proposed deletion of provisions for local bail bond commissioners.
<p>7th Circuit Rule 714. (l) (1) The procedure for the voluntary surrender of a defendant before forfeiture shall be as set forth in Maryland Rule 4-217(h).</p>	Rescind.	
<p>7th Circuit Rule 714. (l) (2) Any and all premiums received by the District Court from a surety under this rule shall be transmitted to the Bail Bond Commissioner. (3) Any and all premiums received by a clerk of the circuit court shall be transmitted to the Bail Bond Commissioner.</p>	Rescind.	Deleted in light of proposed deletion of provisions for local bail bond commissioners.
<p>7th Circuit Rule 714. (l) (4) A person seeking a refund of premiums paid, as authorized by Maryland Rule 4-217(h), shall present the motion to the Bail Bond Commissioner, who shall cause the motion to be filed in the criminal case and refer the matter to the County Administrative Judge or designee for a ruling.</p>	Rescind.	Covered by Rule 4-217(h). <u>Query:</u> Should "filed in the criminal case by" be substituted in proposed Rule 4-217(h) for "of" before "the surety"?
<p>7th Circuit Rule 714. (m) This Rule shall take effect January 1, 1992.</p>	Rescind.	

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (a) (1) An applicant for a non-corporate bail bond license shall: (A) Be a natural person of at least 21 years of age;</p>	Rescind.	Sureties must be incorporated or reciprocal insurers and insurance producers must be 18 under current IN §§ 10-104(18) and 10-305 [PROPOSED in § 10-307(c).
<p>7th Circuit Rule 714A. (a) An applicant for a non-corporate bail bond license shall: (1) (B) Be a citizen of the United States who has resided in the State of Maryland for at least one year prior to the filing of the application, and domiciled and a resident of this Circuit for at least six months prior to the filing of the application; and</p>	Rescind.	Codified in proposed IN § 10-307(b). <u>Query:</u> Is residency requirement constitutional under privileges and immunity clause?
<p>7th Circuit Rule 714A. (a) An applicant for a non-corporate bail bond license shall: (2) (C) Maintain a bail bond business located in this Circuit which shall be accessible to the public.</p>	Rescind.	Omitted as license will be Statewide but same <u>query</u> as to constitutionality.
<p>7th Circuit Rule 714A. (a) (2) In addition, the applicant shall file with the Bail Bond Commissioner: (A) A complete set of applicant’s fingerprints, certified by an authorized law enforcement officer; (B) An authorization permitting the Bail Bond Commissioner to conduct a criminal history record check, or to request one conducted by an authorized law enforcement agency;</p>	Rescind.	Codified in proposed IN § 10-308(1)(ii).
<p>7th Circuit Rule 714A. (a) (2) In addition, the applicant shall file with the Bail Bond Commissioner: (C) A recent credential sized full face photograph of the applicant;</p>	Rescind.	Codified in proposed IN § 10-308(1)(iii).
<p>7th Circuit Rule 714A. (a) (2) In addition, the applicant shall file with the Bail Bond Commissioner: (D) Proof that the applicant has been in the bail bonding business for a minimum of two (2) years either as a corporate bondsman, or as an agent for a non-corporate bondsman;</p>	Rescind.	Covered by IN § 10-104(f).

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (a) (2) In addition, the applicant shall file with the Bail Bond Commissioner: (E) A copy of the recorded Deed of Trust conveying a fee simple interest to real property located in this Circuit to the Clerk of the Circuit Court, and successors in office, of the county in which the real property is located. Said conveyance shall be in trust, authorizing the Clerk to sell and convey said land or so much thereof as may be necessary to recover any and all outstanding sums due on absolute bond forfeitures and license fees. The Deed of Trust shall provide that the State of Maryland, through it's authorized agent, the State's Attorney, and at its option, may remove the Trustee and appoint a successor trustee to any Trustee appointed hereunder, by instrument recorded in the city or county in which the deed of trust is recorded, and further providing that without conveyance of the property, the successor trustee shall succeed to all the title, power and duties conferred upon the original Trustee and by applicable law.</p>	Rescind.	Covered by current IN Title 5, as to assets required by Maryland Insurance Commissioner.
<p>7th Circuit Rule 714A. (a) (2) In addition, the applicant shall file with the Bail Bond Commissioner: (F) A certificate or opinion of title, prepared by an attorney admitted to practice law by the Court of Appeals of Maryland. Said opinion shall certify that the applicant has title to the property and that the property is free and clear of any and all mortgages, liens, and encumbrances of any kind.</p>	Rescind.	Covered by current IN Title 5, as to assets required by Maryland Insurance Commissioner.
<p>7th Circuit Rule 714A. (a) (2) In addition, the applicant shall file with the Bail Bond Commissioner: (G) A certificate from the county assessor's office certifying that the property conveyed has a minimum assessed value of \$25,000.00.</p>	Rescind.	Covered by current IN Title 5, as to assets required by Maryland Insurance Commissioner. See, e.g., IN §§ 2-207, 5-401(d) and (e), 5-608.
<p>7th Circuit Rule 714A. (b) (1) If an applicant has never been convicted of an offense which carries a penalty of incarceration of more than eighteen (18) months, and has otherwise satisfied the requirements of Section (1) of this rule, the Bail Bond Commissioner shall issue a bail bond license to the applicant. (2) If the Bail Bond Commissioner refuses to issue a license, the applicant has the right to appeal to the circuit court as provided in Section(i) of this rule.</p>	Rescind.	1 st sentence covered by current IN § 10-112(a), without reference to conviction. 2 nd sentence covered by current IN §§ 2-210 - 2-215
<p>7th Circuit Rule 714A. (c) (1) Each surety insurer licensed pursuant to Section (b) of this Rule shall submit to the Bail Bond Commissioner by July First of each year the most recent state tax assessment for the property. (2) A certificate or opinion of title, containing the same information as in Section (a)(2)(F) of this Rule, shall be submitted to the Bail Bond Commissioner every three years.</p>	Rescind.	Covered by current IN § 2-205, although 5 year period for examination, and current IN § 10-115 as to license renewal.

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (d) (1) A surety insurer licensed under this Rule may designate no more than three persons at any one time as an agent. (2) Each agent must be approved by the Bail Bond Commissioner, and must meet the qualifications of Section (a)(1), (a)(2)(A), (B), and (C) of this Rule. (3) Each agent designated and approved under this rule shall comply with all provisions of the statute and this rule. (4) A surety insurer is liable for the conduct and acts of his or her agents.</p>	Rescind.	(d)(1) covered by current IN §§ 1-101(f) and 10-103(d)(1), although no limit on number. (d)(2) and (3) deleted as unnecessary in light of Statewide licensing provisions. <u>Query:</u> (d)(4) seems unnecessary but is there a current IN provision?
<p>7th Circuit Rule 714A. (e) The premium charged to any defendant or principal shall not exceed twenty dollars (\$20.00) for the first hundred dollars of the face value of the bond, and ten percent of any face value exceeding the first hundred dollars.</p>	Rescind.	Covered by current IN Title 11, Subtitle 2 and COMAR 31.03.05.07 and proposed IN § 10-327(b).
<p>7th Circuit Rule 714A. (f) (1) A surety insurer licensed under this rule shall be permitted to write bonds in a gross value or penalty of ten (10) times the assessed value of the real property conveyed in trust. (2) The value or penalty of any one bond shall not exceed an amount of more than twice the assessed value of the property conveyed in trust. (3) The Bail Bond Commissioner shall determine the aggregate amount of bonds that any surety insurer licensed under this rule may write.</p>	Rescind.	(f)(1) and (2) covered by current IN Titles 4 and 5. (f)(3) deleted in light of proposed Statewide provisions.
<p>7th Circuit Rule 714A. (g) (1) The Bail Bond Commissioner shall provide every official authorized to receive bonds an alphabetical list of only the names of all qualified surety insurers who are licensed under this Rule.</p>	Rescind.	Covered by proposed Rule 4-217(d)(1) and proposed IN § 10-303.
<p>7th Circuit Rule 714A. (g) (2) This list, or any other list of qualified surety insurers, shall not be made available to the public.</p>	Rescind.	Inconsistent with public local laws for Anne Arundel and Montgomery Counties.
<p>7th Circuit Rule 714A. (g) (3) No Clerk of the Court, District Court Commissioner or any other court employee shall make any recommendations or representations on behalf of any surety insurer.</p>	Rescind.	Codified in proposed IN § 10-330(c). <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (A) For any cause for which issuance of the license could have been refused had it then existed and been known to the Commissioner;</p>	Rescind.	Insurance producers covered by current IN § 10-126(a)(2), although limited to “intentional” concealment.
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (B) Violation of any of the laws of this state or violation of any rule of court relating to bail;</p>	Rescind.	Surety insurers covered by current IN § 4-113(b)(1)and (13). Insurance producers covered by current IN § 10-126(a)(1), which is limited to “willful” actions and, as to business entities, by current IN § 10-126(b)(1)(i) and (ii) as to specified laws.
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (C) Material misstatement, misrepresentation or fraud in obtaining the license or renewal of the license;</p>	Rescind.	Insurance producers covered by current IN § 10-126(a)(3).
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (D) Misappropriation, conversion or unlawful withholding of collateral belonging to the defendant, principal or other person, which is received in the conduct of business under the license;</p>	Rescind.	Surety insurers possibly covered by current IN § 4-113(b)(5). Insurance producers covered by current IN § 10-126(a)(4).
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (E) Conviction of a crime which carries a penalty of incarceration of more than eighteen (18) months; except, this provision shall not prevent the renewal of, or cause the suspension or revocation of any license in effect on July 1, 1991, for a conviction occurring prior to July 1, 1991.</p>	Rescind.	Surety insurers covered by current IN § 4-113(b)(1)and (13) as to some offenses. Insurance producers covered by current IN § 10-126(a)(8) and, as to business entities, current IN § 10-126(b)(1)(i) and (ii) as to specified offenses.

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (F) Fraudulent or dishonest practices in the conduct of business under the license;</p>	Rescind.	Surety insurers covered by current IN § 4-113(a)(3). Insurance producers covered by current IN § 10-126(a)(6) and, as to business entities, current IN § 10-126(b)(1)(iii) as to other revocations or suspensions.
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (G) Willful failure to comply with, or willful violation of any court order or rule;</p>	Rescind.	Codified in proposed IN § 10-312(c)(1).
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (H) Demonstrated incompetency, untrustworthiness, or other conduct which renders the licensee unfit to carry on the bail bond business, or which renders the continuance of the business a detriment to the public interest;</p>	Rescind.	Surety insurers covered by current IN § 4-113(a)(8). Insurance producers to be covered by proposed IN § 10-312(c)(2).
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (I) Violation of Section (j) of this Rule;</p>	Rescind.	Covered by IN § 10-126(a)(18).
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (J) Failure to pay license fees as assessed under the statute;</p>	Rescind.	Codified in current IN § 10-115(c)(4) as to renewal and proposed IN § 10-308(2) as to initial license.
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (K) Failure to satisfy in full a forfeited bond within the time allowed by Maryland Rule 4-217;</p>	Rescind.	Codified in proposed IN § 10-312(b), per current Rule 4-217(d).
<p>7th Circuit Rule 714A. (h) (1) The Bail Bond Commissioner may deny, suspend, revoke or refuse to renew any license for any of the following reasons: (L) Failure to provide a receipt for anything of value received from a defendant or principal, including, but not limited to bond premiums and collateral.</p>	Rescind.	Codified in proposed IN § 10-315, per COMAR 31.03.05.09.

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (h) (2) In the event of suspension or revocation of the license of a surety insurer, any agents employed by the surety insurer are also prohibited from writing bonds during the suspension or revocation period.</p>	Rescind.	Covered by current IN § 4-113(c)(2).
<p>7th Circuit Rule 714A. (i) Any applicant whose license is denied, or any licensee whose license is suspended, revoked or denied renewal by the Bail Bond commissioner may appeal to the Circuit Court for review. (1) The applicant or licensee shall file a copy of the notice of denial, suspension or revocation with the Clerk of the Circuit Court, civil section, along with a Notice of Appeal, and payment of the required Clerk's fees; (2) The Clerk of the Court shall file the matter under the miscellaneous docket, and refer the case to the Assignment Office immediately; (3) The Assignment Office shall set the matter in for a hearing within five (5) days before the Bail Bond Liaison Judge, or that judge's designee. (4) The decision of the Circuit Court is final.</p>	Rescind.	Covered by current IN §§ 2-210 - 2-215
<p>7th Circuit Rule 714A. (k) (1) No person or corporation shall act as a surety insurer, agent for a surety insurer or perform any of the functions, powers or duties of a surety insurer unless they have been qualified or licensed under these rules.</p>	Rescind.	Codified in proposed IN § 10-322, per COMAR 31.03.05.03B. <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (A) Suggest, advise or recommend in any manner any attorney to represent the surety insurer's principal;</p>	Rescind.	Codified in proposed IN § 10-331(a), with penalties authorized under public local laws of Anne Arundel and Montgomery Counties made applicable.
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (B) Solicit business or loiter in any place where prisoners are confined, in any court house, or in any building where any District Court Commissioner is sitting;</p>	Rescind.	Covered by CS § 5-210 [proposed IN § 10-326].
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (C) Pay a fee or rebate, or give or promise to give anything of value to a jailer, policeman, peace officer, constable, District Court Commissioner, judge or any other person who has the power to arrest or hold in custody, or to any public official or public employee, in order to secure the settlement, compromise, remission or reduction or increase in the amount of a bail bond;</p>	Rescind.	Codified in proposed IN § 10-330(b). <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (D) Pay a fee, rebate or give, or promise to give anything of value to an attorney in bail bond matters, except in defense of any action on the bond;</p>	Rescind.	Codified in proposed IN § 10-331(c). <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (E) Participate in the capacity of an attorney at a trial or hearing of one whose bond he is a surety, unless it be a member of his immediate family;</p>	Rescind.	Codified in proposed IN § 10-331(d). <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (F) Accept anything of value from a defendant or principal except the premium, except that the surety insurer may accept collateral from the defendant or principal, provided: (1) the amount of collateral charged is reasonable in relation to the amount of the bond, and in no event valued at more than the bond;</p>	Rescind.	Codified in proposed IN § 10-327(c). <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (F) Accept anything of value from a defendant or principal except the premium, except that the surety insurer may accept collateral from the defendant or principal, provided: (2) the surety insurer provides a written receipt to the principal or defendant which shall set forth the nature of the collateral and its value;</p>	Rescind.	Codified in proposed IN § 10-315(a).
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (F) Accept anything of value from a defendant or principal except the premium, except that the surety insurer may accept collateral from the defendant or principal, provided: (3) the surety insurer indicates on the bail bond form that collateral was accepted;</p>	Rescind.	Codified in current and proposed Form 4-217.2 and proposed IN § 10-316.
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (F) Accept anything of value from a defendant or principal except the premium, except that the surety insurer may accept collateral from the defendant or principal, provided: (4) the surety insurer returns the collateral to the principal or defendant within ten (10) days of the discharge of the bond, less any premium or forfeitures due.</p>	Rescind.	Codified in proposed IN § 10-317(b). <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (k) (2) No person licensed or qualified under these rules shall: (G) Sign a bail bond in blank.</p>	Rescind.	Codified in proposed IN § 10-328. <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?
<p>7th Circuit Rule 714A. (k) (3) The following persons shall not be surety insurers, or have any interest in any amount in any such business: (A) Correctional officers, jailers or any employee of a jail or detention facility, or any person having the power to control federal, state, county or municipal prisoners; (B) Police officers, peace officers, constables, sheriff, deputy sheriff or any person with the power to arrest; (C) District Court Commissioners; (D) Judges (E) Any members of the bar licensed or authorized to practice law in the State of Maryland.</p>	Rescind.	Codified in proposed IN § 10-324. <u>Queries:</u> Current local rule states no penalty. Should provision be (1) codified with crimes and penalties stated; (2) made Statewide; or (3) deleted?
<p>7th Circuit Rule 714A. (l) Every surety insurer licensed or qualified to write bail bonds under this rule shall: (1) Maintain a current record of all bail bonds executed and filed in this Circuit. The record shall be available for inspection by the Bail Bond Commissioner, or designee, at any time. All such records shall be maintained in the surety insurer's place of business for period of one year after the liability on the bond has been terminated. The record shall disclose: (A) The name, address, and telephone number of the defendant; (B) Date bond was executed; (C) Amount of the bond; (D) Premium charged to the defendant or principal; (E) Name of person who paid the premium; (F) Date(s) of pending hearings and trials; (G) Date defendant was surrendered and name of District Court Commissioner to whom any premium was paid; (H) Date bond was discharged and which court; (I) Date bond was forfeited absolute and which court; (J) Date bond forfeiture absolute was stricken and which court; (K) Date any petition for premium refund was filed, which court, and disposition of petition; (L) Date any premium was returned to defendant or principal; and, (M) Date that absolute forfeiture was paid to Bail Bond Commissioner.</p>	Rescind.	Codified in proposed IN § 10-318, per COMAR 31.03.05.08.

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Current Law	Disposition	Comment
<p>7th Circuit Rule 714A. (l) (1) Any surety insurer who shall discontinue writing bail bonds during the period for which the license is in effect, shall notify the Bail Bond Commissioner and return the license for cancellation within thirty (30) days from the cessation of business.</p>	Rescind.	
<p>7th Circuit Rule 714A. (l) (2) A surety insurer shall notify the Bail Bond Commissioner upon the revocation of the authority granted in a power of attorney to any agent, and shall be liable on any bond executed by that agent until such notification is received by the Bail Bond Commissioner.</p>	Rescind.	Partially covered by current IN § 10-118(e)(1)(ii).
<p>7th Circuit Rule 714A. (m) This Rule shall take effect January 1, 1992.</p>	Rescind.	
<p>Art. 2B § 12-108. (a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age: (i) For the underage person's own use or for the use of any other person; or (ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage. (2) Any licensee or any employee of the licensee who is charged with a violation of this subsection shall receive a summons to appear in court on a certain day to answer the charges placed against that person. The person charged may not be required to post bail bond pending trial in any court of this State.</p>		Cross-reference proposed after Rule 4-216(e)(4)(E).
<p>Art. 2B § 16-502. (a) All fines imposed or recognizances forfeited for any violation of any provision of this article shall be payable to the county in which the offense was committed.</p>	Proposed CJ § 7-507	Recodify with other provisions on fines and forfeitures if still valid.
<p>Art. 38 § 5</p>		As of 10/1/04, recodified as CJ § 7-507.
<p>BOP § 13-101. (j) (1) "Provide private detective services" means to provide, for compensation, the service of: (iv) conducting an investigation to locate or apprehend a fugitive from justice, unless the person: 1. conducting the investigation is a property bail bondsman or licensed by the Insurance Commissioner of the State or a similar licensing body of another state as a bail bondsman; 2. is an employee of a property bail bondsman or a licensed bail bondsman for the purpose of locating or apprehending fugitives from justice; or 3. is authorized as an agent by a property bail bondsman or licensed bail bondsman in advance of the apprehension of a fugitive from justice.</p>	Proposed BOP § 13-101(j)(1)(iv)	Amend to reflect consolidated licensing.

Current Law	Disposition	Comment
<p>CJ § 7-507.</p> <p>(a) (1) This section does not apply to Anne Arundel, Howard, and Somerset Counties. (2) This section does not apply to fines imposed in gambling cases in Baltimore County.</p> <p>(b) Except as provided in subsection (c) of this section, the fines imposed by and recognizances forfeited to each circuit court shall be distributed as follows:</p> <p>(1) 50% to the clerk of the circuit court, to be used under the direction of the judges of the circuit court to augment the court library; and (2) 5% to the clerk of the circuit court as a commission.</p> <p>(c) (1) In Calvert County, if the county administrative circuit court judge determines that the amount under subsection (b)(1) of this section exceeds the needs of the library, excess amounts may be used for other needs of the Circuit Court for Calvert County if the judge provides the county commissioners with an annual report documenting how the excess amount is used. (2) In Carroll County, in addition to the amount under subsection (b) of this section, the County Commissioners shall appropriate and pay to the clerk of the Circuit Court for Carroll County \$1,800, plus any additional amount that the County Commissioners determine, for library support and maintenance, including books and library equipment, to be used under the direction of the judges of the Circuit Court for Carroll County. (3) In Cecil County: (i) in any year in which the amount provided to the court library under subsection (b) of this section and the attorney appearance fees under § 7-204 of this title: 1. Is less than \$10,000, the county commissioners shall pay to the clerk of the court the amount necessary to bring the total to \$10,000, plus any amount the county commissioners determine is reasonable for the library maintenance, to be used under the direction of the judges of the Circuit Court for Cecil County; or 2. Exceeds the amount necessary for library maintenance, the Cecil County Bar and Library Association, Inc. may transfer the excess money to the Cecil County Bar Foundation, Inc. to be used for charitable and educational purposes in accordance with the bylaws of the Foundation; and (ii) All amounts paid under this section shall be used under the direction of the judges of the Circuit Court for Cecil County in consultation with the law library committee of the Cecil County Bar and Library Association, Inc. (4) In Charles County, in any year in which the amount under subsection (b) of this section is less than \$3,000, the county commissioners shall pay to the clerk of the Circuit Court for Charles County the amount necessary to bring the total to \$3,000, plus any amount the county commissioners determine is reasonable for library maintenance, to be used under the direction of the judges of the Circuit Court for Charles County, who reside in the county.</p> <p><i>Continued</i></p>		<p>Incorporate other provisions as to forfeitures and cross reference in proposed IN § 10-319(c)(3).</p>

Current Law	Disposition	Comment
<p>CJ § 7-507 <i>continued</i>.</p> <p>(5) In Harford County, the local governing body shall appropriate and pay to the clerk of the Circuit Court for Harford County, to be used under the direction of the judges of the Court:</p> <ul style="list-style-type: none"> (i) the amount under subsection (b) of this section; and (ii) any amount the local governing body determines is appropriate, but not less than \$1,500, for library support and maintenance, including books, library equipment, and the services of a librarian. <p>(6) (i) In St. Mary's County, the clerk of the Circuit Court for St. Mary's County shall transmit monthly the amount under subsection (b)(1) of this section to a special account known as the St. Mary's County law library fund maintained by the County.</p> <p>(ii) As determined by the county administrative judge, the St. Mary's County law library fund may only be used for the general purposes of the court library, including to acquire books, other publications, and library equipment, and for other necessary expenses.</p> <p>(7) In Worcester County, in addition to the amount under subsection (b) of this section, the county commissioners shall appropriate and pay to the clerk of the Circuit Court for Worcester County \$2,000 and any additional amount that the commissioners set for library support and maintenance to be used under the direction of the judges of the Circuit Court for Worcester County.</p>		
<p>CJ § 9-204.</p> <p>(a) The court which issued an execution on a forfeited recognizance for a witness who failed to appear may discharge the witness from execution upon motion showing good and sufficient cause for the failure.</p> <p>(b) This section does not apply in a case if capital punishment may be involved.</p>		<p>Cross reference in proposed Rule 4-267.</p>
<p>CJ § 11-513.</p> <p>(a) If a recognizance taken for the appearance of a person to answer or testify is forfeited, the State's Attorney may order a writ of execution to be issued for the sum due on the recognizance.</p> <p>(b) If a writ of execution is issued against a person who failed to answer or testify, on the return of the execution he may file any plea to the execution which would be good and sufficient to a scire facias if a scire facias had issued on the recognizance.</p> <p>(c) If the plea is determined in favor of the person who filed the plea, he shall be discharged from the forfeiture. However, he may not be discharged from the execution before a hearing on the plea unless he:</p> <ul style="list-style-type: none"> (1) Pays or satisfies the execution; (2) Gives a bond payable to the State; or (3) Enters into a recognizance in court with security in double amount of the forfeiture and costs due on the execution with condition to appear and plead in discharge of the execution, and abide by and fulfill the judgment on the recognizance. 		<p>Codify as duty of Commissioner in proposed IN § 10-319(a).</p>

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Current Law	Disposition	Comment
<p>CP § 1-207. (a) The Governor may remit all or part of a fine or forfeiture. (b) A defendant or surety applying for the remission of all or part of a recognizance that has been forfeited: (1) may apply to a court to order the remission in accordance with Title 4 of the Maryland Rules; and (2) need not apply to the Governor to order the remission.</p>		<p>No change but cross-reference after proposed Rule 4-217(i)(2).</p>
<p>CP § 5-201. (a) (1) The court or a District Court commissioner shall consider including, as a condition of pretrial release for a defendant, reasonable protections for the safety of the alleged victim. (2) If a victim has requested reasonable protections for safety, the court or a District Court commissioner shall consider including, as a condition of pretrial release, provisions regarding no contact with the alleged victim or the alleged victim's premises or place of employment. (b) (1) In accordance with eligibility criteria, conditions, and procedures required under the Maryland Rules, the court may require, as a condition of a defendant's pretrial release, that the defendant be monitored by a private home detention monitoring agency licensed under Title 20 of the Business Occupations and Professions Article. (2) A defendant placed in private home detention under paragraph (1) of this subsection shall pay directly to the private home detention monitoring agency the agency's monitoring fee.</p>		<p>No change.</p>

Current Law	Disposition	Comment
<p>CP § 5-202.</p> <p>(a) A District Court commissioner may not authorize pretrial release for a defendant charged with escaping from a correctional facility or any other place of confinement in the State.</p> <p>(b) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged as a drug kingpin under § 5-613 of the Criminal Law Article.</p> <p>(2) A judge may authorize the pretrial release of a defendant charged as a drug kingpin on suitable bail and on any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community.</p> <p>(3) There is a rebuttable presumption that, if released, a defendant charged as a drug kingpin will flee and pose a danger to another person or the community.</p> <p>(c) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with a crime of violence if the defendant has been previously convicted:</p> <p>(i) in this State of a crime of violence; or</p> <p>(ii) in any other jurisdiction of a crime that would be a crime of violence if committed in this State.</p> <p>(2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:</p> <ol style="list-style-type: none"> 1. suitable bail; 2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or 3. both bail and other conditions described under item 2 of this subparagraph. <p>(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4-216(g), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.</p> <p>(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community.</p> <p>(d) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with committing one of the following crimes while the defendant was released on bail or personal recognizance for a pending prior charge of committing one of the following crimes:</p> <p>(i) aiding, counseling, or procuring arson in the first degree under § 6-102 of the Criminal Law Article;</p> <p>(ii) arson in the second degree or attempting, aiding, counseling, or procuring arson in the second degree under § 6-103 of the Criminal Law Article</p> <p>(iii) burglary in the first degree under § 6-202 of the Criminal Law Article;</p> <p>(iv) burglary in the second degree under § 6-203 of the Criminal Law Article;</p> <p><i>continued</i></p>		<p>Check cross-references against final draft.</p>

Current Law	Disposition	Comment
<p>CP § 5-202 continued.</p> <ul style="list-style-type: none"> (v) burglary in the third degree under § 6-204 of the Criminal Law Article; (vi) causing abuse to a child under § 3-601 or § 3-602 of the Criminal Law Article; (vii) a crime that relates to a destructive device under § 4-503 of the Criminal Law Article; (viii) a crime that relates to a controlled dangerous substance under §§ 5-602 through 5-609 or § 5-612 or § 5-613 of the Criminal Law Article; (ix) manslaughter by vehicle or vessel under § 2-209 of the Criminal Law Article; and (x) a crime of violence. <p>(2) A defendant under this subsection remains ineligible to give bail or be released on recognizance on the subsequent charge until all prior charges have finally been determined by the courts.</p> <p>(3) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on suitable bail and on any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community.</p> <p>(4) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community if released before final determination of the prior charge.</p> <p>(e) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:</p> <ul style="list-style-type: none"> (i) the provisions of an ex parte order described in § 4-505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in § 4-506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or (ii) the provisions of an order for protection, as defined in § 4-508.1 of the Family Law Article, issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4-508.1 of the Family Law Article. <p>(2) A judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection on:</p> <ul style="list-style-type: none"> (i) suitable bail; (ii) any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or (iii) both bail and other conditions described under subparagraph (ii) of this paragraph. <p>(3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4-216(g), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.</p>		<p>Check cross references against final draft.</p>

Current Law	Disposition	Comment
<p>CP § 5-203. (a) (1) 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) A bail bond commissioner may be appointed to carry out rules adopted under this section. (3) 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. (4) 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) approved in accordance with any rules adopted under this section; and (ii) 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.</p>	<p>Proposed CP § 5-203</p>	<p>Delete all but (a)(2).</p>
<p>CP § 5-204. (a) In a criminal case in a circuit court in which the defendant is allowed to give bail, the clerk of the court may take the bail if: (1) the court adjourns before the defendant has secured the bail; and (2) the court before adjournment, or any judge of the court after adjournment, issues an order that sets the amount of the bail and directs the clerk to take the bail. (b) If a defendant is arrested on indictment in a bailable case in a circuit court and is confined during the recess of the court, any judge of the court, by written order, may set the amount of the bail and direct the clerk to take the bail with security. (c) The clerk may not accept security for bail unless: (1) the person offering the security states under oath that the person owns real or personal property worth the amount of the bail, exclusive of the person's right to exemption from execution; and (2) the clerk is satisfied that the statement is true.</p>	<p>Proposed CP § 5-204</p>	<p>Delete subsection (c) as covered by proposed Rule 4-217.</p>

Current Law	Disposition	Comment
<p>CP § 5-205.</p> <p>(a) A District Court judge may:</p> <ol style="list-style-type: none"> (1) set bond or bail; (2) release a defendant on personal recognizance or on a personal or other bail bond; (3) commit a defendant to a correctional facility in default of a bail bond; (4) order a bail bond forfeited if the defendant fails to meet the conditions of the bond; and (5) exercise all of the powers of a justice of the peace under the Constitution of 1867. <p>(b) (1) This subsection does not apply to a defendant who has been arrested for failure to appear in court or for contempt of court.</p> <p>(2) (i) In a criminal or traffic case in the District Court in which a bail bond has been set, the defendant or a private surety acting for the defendant may post the bail bond by:</p> <ol style="list-style-type: none"> 1. executing it in the full penalty amount; and 2. depositing with the clerk of the court or a commissioner the greater of 10% of the penalty amount or \$25. <p>(ii) A judge may increase the percentage of cash surety required in a particular case but may not authorize a cash deposit of less than \$25.</p> <p>(3) On depositing the amount required under paragraph (2) of this subsection and executing the recognizance, the defendant shall be released from custody subject to the conditions of the bail bond.</p> <p>(c) (1) When all conditions of the bail bond have been performed without default and the defendant has been discharged from all obligations in the cause for which the recognizance was posted, the clerk of the court shall return the deposit to the person or private surety who deposited it.</p> <p>(2) (i) If the defendant fails to perform any condition of the bail bond, the bail bond shall be forfeited.</p> <p>(ii) If the bail bond is forfeited, the liability of the bail bond shall extend to the full amount of the bail bond set and the amount posted as a deposit shall be applied to reduce the liability incurred by the forfeiture.</p>		<p>No change.</p>
<p>CP § 5-206.</p> <p>In a criminal case, a judge may reinstate any bail, bond, or recognizance for criminal charges discharged at a preliminary hearing in the District Court, if a new charging document arises out of the substantially same set of facts.</p>		<p>No change.</p> <p>Query: Should consent of surety be required?</p>
<p>CP § 5-207.</p> <p>(a) If a defendant is found guilty in a circuit court and sentenced to imprisonment, a bond on which the defendant was released before the sentencing is terminated.</p> <p>(b) If the defendant files a notice of appeal and the sentencing court requires a bond to be posted, the defendant shall post a new bond.</p>		<p>No change.</p> <p>Query: Does this need to be reported?</p>

Current Law	Disposition	Comment
<p>CP § 5-208.</p> <p>(a) In this section, "return" means to place in the custody of a police officer, sheriff, or other commissioned law enforcement officer who is authorized to make arrests within the jurisdiction of the court.</p> <p>(b) (1) Subject to paragraph (2) of this subsection, a court that exercises criminal jurisdiction shall strike out a forfeiture of bail or collateral and discharge the underlying bail bond if the defendant can show reasonable grounds for the defendant's failure to appear.</p> <p>(2) The court shall:</p> <p>(i) allow a surety 90 days after the date of the defendant's failure to appear or, for good cause shown, 180 days to return the defendant before requiring the payment of any forfeiture of bail or collateral; and</p> <p>(ii) strike out a forfeiture of bail or collateral and deduct only the actual expense incurred for the defendant's arrest, apprehension, or surrender, if:</p> <ol style="list-style-type: none"> 1. the defendant is returned; and 2. the arrest, apprehension, or surrender occurs more than 90 days after the defendant's failure to appear or at the end of the period that the court allows to return the defendant. <p>(c) Evidence of confinement of a fugitive defendant in a correctional facility in the United States is a wholly sufficient ground to strike out a forfeiture, if assurance is given that the defendant will come back to the jurisdiction of the court on expiration of the sentence at no expense to the State, county, or municipal corporation.</p> <p>(d) (1) Except as provided in paragraph (2) of this subsection, if the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" on the docket:</p> <p>(i) the defendant or other person who gave collateral for bail or recognizance is entitled to a refund; and</p> <p>(ii) if a bail bond or other security was given, the bail bond or other security shall be discharged.</p> <p>(2) If the bail bond or other security has been declared forfeited and 10 years have passed since the bail bond or other security was posted, the defendant or other person may not receive a refund or discharge.</p> <p>(e) (1) A court exercising criminal jurisdiction may not order a forfeiture of the bail bond or collateral posted by a surety and shall give back the bail bond or collateral to the surety if:</p> <p>(i) the defendant fails to appear in court; and</p> <p>(ii) the surety produces evidence, within the time limits established under subsection (b) of this section, that:</p> <ol style="list-style-type: none"> 1. the defendant is confined in a correctional facility outside the State; 2. the State's Attorney is unwilling to issue a detainer and later extradite the defendant; and <p><i>continued</i></p>		<p>No change.</p> <p>Query: Duplicative of Maryland Rules. Do these provision need to be both statutes and rules..</p>

Current Law	Disposition	Comment
<p>CP § 5-208 continued.</p> <p>3. the surety agrees in writing to defray the expense of returning the defendant to the jurisdiction in accordance with subsection (c) of this section.</p> <p>(2) A court exercising criminal jurisdiction that has ordered forfeiture of a bail bond or collateral after expiration of the time limits established under subsection (b) of this section for a surety to return a defendant shall give back the forfeited bail bond or collateral if, within 10 years after the date the bail bond or collateral was posted, the surety produces evidence that:</p> <p>(i) the defendant is confined in a correctional facility outside the State;</p> <p>(ii) the State's Attorney is unwilling to issue a detainer and later extradite the defendant;</p> <p>and</p> <p>(iii) the surety agrees in writing to defray the expense of returning the defendant to the jurisdiction in accordance with subsection (c) of this section.</p>		
<p>CP § 5-209.</p> <p>(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.</p> <p>(b) This section does not apply in the Seventh Judicial Circuit.</p> <p>(c) A property bondsman may authorize an agent in writing to execute on behalf of the property bondsman:</p> <p>(1) a bail bond; and</p> <p>(2) a declaration of trust or deed of trust to secure a bail bond by real estate.</p> <p>(d) 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.</p> <p>(e) (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.</p> <p>(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.</p>	Delete.	Covered by proposed IN § 13-301 <i>et seq.</i>

Current Law	Disposition	Comment
<p>CP § 5-210.</p> <p>(a) (1) In this section the following words have the meanings indicated.</p> <p>(2) "Agent" means a person that acts or is authorized to act as the representative of a bail bondsman.</p> <p>(3) (i) "Bail bondsman" means a licensed limited surety agent or a licensed professional bail bondsman.</p> <p>(ii) "Bail bondsman" does not include a person that contracts with a public agency to provide bail bonds to persons detained in a correctional facility.</p> <p>(b) On the grounds of a courthouse or correctional facility, a bail bondsman or an agent of a bail bondsman may not:</p> <p>(1) approach, entice, or invite a person to use the services of a bail bondsman;</p> <p>(2) distribute, display, or wear an item that advertises the services of a bail bondsman; or</p> <p>(3) otherwise solicit business as a bail bondsman.</p> <p>(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to:</p> <p>(1) a fine not exceeding \$100 for a first offense; and</p> <p>(2) a fine not exceeding \$1,000 for a subsequent offense.</p> <p>(d) A person convicted of a violation of subsection (b) of this section shall be referred to the Insurance Commissioner for appropriate action.</p>	<p>Proposed IN § 10-326(b).</p>	
<p>CP § 5-211.</p> <p>(a) If a person has been charged with a crime and admitted to bail or released on recognizance and the person forfeits the bail or recognizance and willfully fails to surrender, a bench warrant shall be issued for the person's arrest.</p> <p>(b) A person who has been admitted to bail or released on recognizance in a criminal case in the State and who willfully fails to surrender within 30 days after the date of forfeiture is guilty of a misdemeanor and on conviction is subject to:</p> <p>(1) a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both, if the bail or recognizance was given in connection with a charge of a felony or pending an appeal, certiorari, habeas corpus, or postconviction proceeding after conviction of any crime; or</p> <p>(2) a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both, if the bail or recognizance was given in connection with a charge of a misdemeanor, or for appearance as a witness.</p> <p>(c) This section does not diminish the power of a court to punish for contempt.</p> <p>(d) A person who is prosecuted under subsection (b)(1) of this section is subject to § 5-106(b) of the Courts Article regarding the exemption from the statute of limitations for the institution of prosecution and the right of in banc review.</p>		<p>No change.</p>

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Current Law	Disposition	Comment
<p>CP § 5-213. (a) A court may issue a bench warrant for the arrest of a defendant who violates a condition of pretrial release. (b) After a defendant is presented before a court, the court may: (1) revoke the defendant's pretrial release; or (2) continue the defendant's pretrial release with or without conditions.</p>		No change.
<p>CP § 9-116. (a) Except as provided in subsection (b) of this section, and unless the crime with which the person arrested is charged is shown to be a crime punishable by death or life imprisonment under the laws of the state in which it was committed, a judge in this State may admit the person arrested to bail by bond, with sufficient sureties, and in the sum the judge deems proper, conditioned for the person's appearance before the judge at a time specified in the bond, and for the person's surrender, to be arrested upon the warrant of the Governor of this State. (b) A judge may not admit a person to bail by bond under subsection (a) of this section for the first 10 days following the person's: (1) arrest under or service with a governor's warrant under this title; or (2) signing a waiver of extradition proceedings under this title.</p>		No change. <u>Query:</u> Modify "sureties" with "licensed"?
<p>CP § 9-118. (a) If the accused is admitted to bail and fails to appear and surrender according to the conditions of the bond, the judge or District Court commissioner by proper order shall declare the bond forfeited and order the immediate arrest of the accused without warrant if the accused is within this State. (b) Recovery may be had on the bond in the name of the State as in the case of other bonds given by the accused in criminal proceedings within this State.</p>	Proposed CP § 9-118	Delete reference to Commissioner forfeiting bond.
<p>IN § 1-101. (f) "Appointment" means an agreement between an insurance producer and insurer under which the insurance producer, for compensation, may sell, solicit, or negotiate policies issued by the insurer.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 1-101. (i) (1) "Casualty insurance" means: (i) insurance against legal, contractual, or assumed liability for death, injury, or disability of a human being, or for damage to property; (ii) if issued as an incidental coverage with or supplemental to liability insurance and regardless of legal liability of the insured, insurance that provides medical, hospital, or surgical disability benefits to injured individuals and funeral and death benefits to dependents, beneficiaries, or personal representatives of individuals killed; or (iii) unless disapproved by the Commissioner as contrary to law or public policy, insurance against any other kind of loss, damage, or liability that is properly a subject of insurance and not within any other kind of insurance described in this subsection. (2) "Casualty insurance" includes motor vehicle physical damage insurance, burglary and theft insurance, glass insurance, workers' compensation insurance, employer's liability insurance, and boiler and machinery insurance.</p>		FYI
<p>IN § 1-101. (k) "Commissioner" means the Maryland Insurance Commissioner.</p>		FYI
<p>IN § 1-101. (u) (1) "Insurance producer" means a person that, for compensation, sells, solicits, or negotiates insurance contracts, including contracts for nonprofit health services plans, dental plans organizations, and health maintenance organizations, or the renewal or continuance of these insurance contracts for: (i) persons issuing the insurance contract; or (ii) insureds or prospective insureds other than the insurance producer. (2) "Insurance producer" does not include: (i) an individual who performs clerical or similar office duties while employed by an insurance producer or insurer, including a clerical employee, other than a clerical employee of an insurer, who takes insurance information or receives premiums in the insurance producer's office, if the employee's compensation does not vary with the number of applications or amount of premiums; (ii) a regular salaried officer or employee of an insurer who gives help to or for a licensed insurance producer, if the officer or employee is not paid a commission or other compensation that depends directly on the amount of business obtained; or (iii) if not paid a commission, a person that obtains and forwards information for: 1. group insurance coverage; 2. enrolling individuals under group insurance coverage; 3. issuing certificates under group insurance coverage; or 4. otherwise assisting in administering group plans.</p>		FYI

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Current Law	Disposition	Comment
<p>IN § 1-101. (v) "Insurer" includes each person engaged as indemnitor, surety, or contractor in the business of entering into insurance contracts.</p>		FYI
<p>IN § 1-101. (w) "Licensed insurance producer" means an insurance producer that has: (1) obtained a license under Title 10, Subtitle 1 of this article; and (2) in the case of an insurance producer that acts on behalf of an insurer other than the Maryland Automobile Insurance Fund, obtained an appointment under Title 10, Subtitle 1 of this article.</p>		FYI
<p>IN § 1-101. (dd) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.</p>		FYI
<p>IN § 1-101. (ff) (1) "Premium" means consideration for insurance. (2) "Premium" includes: (i) except as provided in paragraph (3) of this subsection, an assessment; and (ii) a membership fee, policy fee, survey fee, inspection fee, service fee, or other similar fee in consideration for an insurance contract. (3) "Premium" does not include: (i) an assessment as described in § 9-225 of this article; or (ii) an assessment made under any State law that provides for insolvency protection or insurance availability.</p>		FYI
<p>IN § 1-101. (gg) (1) "Property insurance" means insurance on real or personal property on land, in water, or in the air or an interest in real or personal property against loss or damage from any hazard or cause and against loss that is consequential to the loss or damage. (2) "Property insurance" includes fire insurance, flood insurance, extended coverage insurance, homeowners insurance, farm owners insurance, allied lines insurance, earthquake insurance, growing crops insurance, aircraft physical damage insurance, automobile physical damage insurance, glass insurance, livestock insurance, and animal insurance. (3) "Property insurance" does not include insurance against legal liability for loss or damage to real or personal property.</p>		FYI
<p>IN § 1-101. (kk) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurer.</p>		FYI

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Current Law	Disposition	Comment
<p>IN § 1-101. (II) "Solicit" means to attempt to sell insurance or to ask or urge a person to apply for a particular kind of insurance from a particular insurer.</p>		FYI
<p>IN § 1-101. (oo) "Surety insurance" includes: (1) fidelity insurance, which is insurance that guarantees the fidelity of persons that hold positions of public or private trust; (2) insurance that guarantees the performance of contracts other than insurance contracts; (3) insurance that guarantees the execution of bonds, undertakings, and contracts of suretyship; and (4) insurance that indemnifies banks, bankers, brokers, or financial corporations or associations against loss from any cause of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts, other valuable papers, documents, money, precious metals, articles made from precious metals, jewelry, watches, necklaces, bracelets, gems, and precious and semi-precious stones, including loss during transportation by messenger or in armored motor vehicles, but not against other risks of transportation or navigation, and insurance against loss or damage to a bank's, banker's, broker's, or financial corporation's or association's premises or furniture, fixtures, equipment, safes, and vaults on the premises caused by burglary, robbery, theft, vandalism, or malicious mischief, or attempted burglary, robbery, theft, vandalism, or malicious mischief.</p>		FYI
<p>IN § 1-205. (a) A county or municipal corporation of the State may not: (1) require an insurer, insurance producer, adjuster, public adjuster, or adviser to obtain a local certificate of authority or certificate of qualification to transact insurance business in that county or municipal corporation; or (2) impose a local occupational tax or fee for transacting insurance business. (b) This section does not preempt or prevent the taxation and regulation of persons engaged in the bail bond business other than corporate sureties and their insurance producers that are required to be licensed under this article.</p>	Proposed IN § 1-205	Delete subsection (b).
<p>IN § 1-206. The provisions of this article supersede any inconsistent provisions of any other part of the Code.</p>		FYI
<p>IN § 1-207. A provision of this article that relates to a particular kind of insurance, particular type of insurer, or particular matter prevails over a provision that relates to insurance in general, insurers in general, or that matter in general.</p>		FYI

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Current Law	Disposition	Comment
<p>IN § 1-301. In addition to any administrative penalty otherwise applicable, a person that willfully violates any provision of this article, with respect to which a greater penalty is not provided by other applicable State law, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100,000.</p>		FYI
<p>IN § 2-109. (a) The Commissioner may adopt regulations to: (1) carry out this article;</p>		FYI
<p>IN § 2-109. (f) In addition to any other penalty provided, a person that willfully violates a regulation adopted under this article is subject to any applicable penalty under this article for violation of the provision to which the regulation relates.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 2-112. (a) Fees for the following certificates, licenses, and services shall be collected in advance by the Commissioner, and shall be paid by the appropriate persons to the Commissioner: (1) fees for certificates of authority: (i) application fee for initial certificate of authority, including filing the application, articles of incorporation and other charter documents, except as provided in item (2) of this subsection, bylaws, financial statement, examination report, power of attorney to the Commissioner, and all other documents and filings in connection with the application \$1,000 (ii) fee for initial certificate of authority \$200 (iii) fee for annual renewal of certificate of authority for all foreign insurers and for domestic insurers with their home or executive office in the State \$500 (iv) fee for annual renewal of certificate of authority for domestic insurers with their home or executive office outside the State, except those domestic insurers that had their home or executive office outside the State before January 1, 1929: 1. with premiums written in the most recent calendar year not exceeding \$500,000 \$2,500 2. with premiums written in the most recent calendar year not exceeding \$1,000,000 \$5,000 3. with premiums written in the most recent calendar year not exceeding \$2,000,000 \$7,000 4. with premiums written in the most recent calendar year not exceeding \$5,000,000 \$9,000 5. with premiums written in the most recent calendar year of more than \$5,000,000 \$11,000 (v) reinstatement of certificate of authority \$500 (2) fees for articles of incorporation of a domestic insurer or foreign insurer, exclusive of fees required to be paid to the Department of Assessments and Taxation: (i) fee for filing the articles of incorporation with the Commissioner for approval . . \$25 (ii) fee for amendment of the articles of incorporation \$10 (3) fees for filing bylaws or amendments to bylaws with the Commissioner \$10 (4) fees for certificates of qualification: (i) application fee \$25 (ii) managing general agent certificate of qualification: 1. fee for initial certificate \$30 2. annual renewal fee \$30 (iii) surplus lines broker certificate of qualification: 1. fee for initial certificate within 1 year of renewal \$100 2. fee for initial certificate over 1 year from renewal \$100</p>	<p>Proposed IN § 2-112</p>	<p>Incorporate IN § 10-306 w/ changes.</p>
<p><i>continued</i></p>		

Current Law	Disposition	Comment
<p>IN § 2-112 continued.</p> <p>3. biennial renewal fee \$200</p> <p>(5) fee for temporary insurance producer licenses and appointments \$27</p> <p>(6) fees for licenses:</p> <p>(i) public adjuster license:</p> <p>1. fee for initial license within 1 year of renewal \$25</p> <p>2. fee for initial license over 1 year from renewal \$50</p> <p>3. biennial renewal fee \$50</p> <p>(ii) adviser license:</p> <p>1. fee for initial license within 1 year of renewal \$100</p> <p>2. fee for initial license over 1 year from renewal \$200</p> <p>3. biennial renewal fee \$200</p> <p>(iii) insurance producer license:</p> <p>1. fee for initial license \$54</p> <p>2. biennial renewal fee \$54</p> <p>(iv) application fee \$25</p> <p>(7) fee for each insurance vending machine license, for each machine, every second year \$50</p> <p>(8) fees for filing the annual statement by an unauthorized insurer applying for approval to become an accepted insurer or applying for approval to become an accepted reinsurer or surplus lines carrier or both \$1,000</p> <p>(9) fees for form and rate filings under Title 11, Subtitles 2 and 4 and §§ 12-203, 13-110, and 14-126 of this article \$125</p> <p>(10) service of legal process fee under §§ 3-318(b), 3-319(d), and 4-107 of this article \$15</p> <p>(b) A court may award reimbursement of a service of process fee imposed under subsection (a)(10) of this section to a prevailing plaintiff in any proceeding against an insurer or surplus lines broker.</p>		
<p>IN § 2-113.</p> <p>(a) Subject to the approval of the Treasurer, the Commissioner may provide by regulation for the payment of unpaid premium taxes or fees owed by an insurer in funds that are immediately available to the State on the date that the payment is due if the total of the unpaid premium taxes or fees is at least \$20,000.</p> <p>(b) Any regulations adopted under this section shall establish a suitable means for payment in immediately available funds to ensure the availability of those funds to the State on the date that payment is due.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 2-114. (a) The following moneys shall be considered general funds of the State: (1) except as provided under § 6-107 of this article, revenue received under Title 6, Subtitle 1 of this article; (2) all revenue received under §§ 3-324, 4-209, 6-303, and 6-304 of this article; and (3) all penalties imposed by the Commissioner, including the following penalties imposed under: (i) §§ 4-113(d), 4-212, 10-126(c), 11-232, 14-140, 23-208, 23-506, 26-502, 27-305, and 27-408 of this article; and (ii) § 19-730 of the Health - General Article. (b) The following moneys may not be considered general funds of the State and shall be deposited into the Insurance Regulation Fund established under Subtitle 5 of this title: (1) all revenue received through the imposition and collection of the assessment fee under Subtitle 5 of this title; (2) all revenue received through the imposition and collection of the fees set forth in § 2-112 of this subtitle; (3) all revenue received through the imposition and collection of the fraud prevention fee under Title 6, Subtitle 2 of this article; (4) all revenue received through the collection of examination expenses under § 2-208 of this title; (5) except as provided under subsection (a) of this section, all other fees received through the imposition and collection of fees set forth in this article; and (6) income from investments that the State Treasurer makes for the Insurance Regulation Fund.</p>		FYI
<p>IN § 2-201. (a) The Commissioner may bring an action in a court of competent jurisdiction to enforce this article or an order issued by the Commissioner under this article.</p>		FYI
<p>IN § 2-201. (c) Whenever the Commissioner believes that a person has committed a violation of this article for which criminal prosecution is provided, the Commissioner shall refer the alleged violation to: (1) the State's Attorney for the county where the violation allegedly occurred or the person resides; or (2) the Attorney General, if the alleged violation is statewide and not local in nature.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 2-201. (e) The Commissioner may enforce the provisions of this article, and may impose any penalty or remedy authorized by this article, against a person that is under investigation for or charged with a violation of this article if:</p> <ul style="list-style-type: none"> (1) the person's certificate of authority, certificate of qualification, license, or registration is no longer in effect; and (2) the alleged violation occurred no more than 5 years before surrender or lapse of the certificate, license, or registration. 		FYI
<p>IN § 2-205. (a) (1) Whenever the Commissioner considers it advisable, the Commissioner shall examine the affairs, transactions, accounts, records, and assets of each:</p> <ul style="list-style-type: none"> (i) authorized insurer; (ii) management company of an authorized insurer; (iii) subsidiary owned or controlled by an authorized insurer; <p>(2) The Commissioner shall examine each domestic insurer and health maintenance organization at least once every 5 years.</p> <p>(b) The Commissioner shall examine the affairs, transactions, accounts, records, and assets of:</p> <ul style="list-style-type: none"> (1) each insurer and each health maintenance organization that applies for an original certificate of authority to do business in the State; and <p>(d) The Commissioner may limit the examination of an alien insurer to its insurance transactions and affairs in the United States.</p> <p>(e) Instead of conducting an examination, the Commissioner may accept a full report, certified by the insurance supervisory official of another state, of the most recent examination of a foreign insurer or health maintenance organization, alien insurer or health maintenance organization, or an out-of-state rating organization.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 2-206. When advisable to determine compliance with this article, the Commissioner may examine the accounts, records, documents, and transactions that relate to the insurance affairs or proposed insurance affairs of:</p> <ul style="list-style-type: none"> (1) an insurance producer, surplus lines broker, general agent, adjuster, public adjuster, or adviser; (2) a person with the exclusive or dominant right under a contract to manage or control an insurer; (3) a person that, for the purpose of controlling the management of a domestic insurer, holds the shares of voting stock or policyholder proxies of the domestic insurer as voting trustee or otherwise; or (4) a person engaged in, proposing to engage in, or helping in the promotion or formation of: <ul style="list-style-type: none"> (i) a domestic insurer or insurance holding corporation; or (ii) a corporation to finance a domestic insurer or the production of its business. 		<p>FYI</p>

Current Law	Disposition	Comment
<p>IN § 2-207.</p> <p>(a) (1) The Commissioner shall conduct an examination of an insurer, health maintenance organization, or private review agent at:</p> <ul style="list-style-type: none"> (i) the home office of a domestic insurer, foreign insurer, health maintenance organization, or private review agent; (ii) the United States branch office of an alien insurer, health maintenance organization, or private review agent; or (iii) a branch or agency office of the insurer, health maintenance organization, or private review agent. <p>(2) The Commissioner shall conduct an examination of a person other than an insurer, health maintenance organization, or private review agent at:</p> <ul style="list-style-type: none"> (i) the place of business of the person; or (ii) any place where records of the person are kept. <p>(b) Each person that is examined and its officers, employees, agents, and representatives shall:</p> <ul style="list-style-type: none"> (1) produce and make freely available to the Commissioner or an examiner the accounts, records, documents, files, information, assets, and matters that are in the possession or control of the person and relate to the subject of the examination; and (2) otherwise help the examination to the extent reasonably possible. <p>(c) (1) At the expense of the person being examined, the Commissioner may retain an actuary, accountant, or other expert, who is not otherwise a part of the staff of the Administration, if reasonably necessary to conduct an examination under this article.</p> <ul style="list-style-type: none"> (2) The actuary, accountant, or other expert may rewrite, post, or balance the accounts of the person being examined. <p>(d) (1) If the Commissioner considers it necessary to value real estate involved in an examination, the Commissioner may request in writing that the person being examined appoint one or more competent appraisers, approved by the Commissioner, to appraise the real estate.</p> <ul style="list-style-type: none"> (2) If the person does not appoint an appraiser within 10 days after the request was delivered to the person, the Commissioner may appoint an appraiser. (3) The appraisal shall be made promptly, and a copy of the appraisal report shall be provided to the Commissioner. (4) The person being examined shall pay the reasonable expense of the appraisal. 		<p>FYI</p>

Current Law	Disposition	Comment
<p>IN § 2-208. The expense incurred in an examination made under § 2-205 of this subtitle, § 2-206 of this subtitle for surplus lines brokers and insurance holding corporations, § 23-207 of this article for premium finance companies, § 15-10B-19 of this article for private review agents, or § 15-10B-20 of this article shall be paid by the person examined in the following manner:</p> <p>(1) the person examined shall pay to the Commissioner the travel expenses, a living expense allowance, and a per diem as compensation for examiners, actuaries, and typists:</p> <p style="padding-left: 20px;">(i) to the extent incurred for the examination; and</p> <p style="padding-left: 20px;">(ii) at reasonable rates set by the Commissioner;</p> <p>(2) the Commissioner may present a detailed account of expenses incurred to the person examined periodically during the examination or at the end of the examination, as the Commissioner considers proper; and</p> <p>(3) a person may not pay and an examiner may not accept any compensation for an examination in addition to the compensation under paragraph (1) of this section.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 2-209.</p> <p>(a) The Commissioner or an examiner shall make a complete report of each examination made under § 2-205 of this subtitle or § 23-207, § 15-10B-19, or § 15-10B-20 of this article.</p> <p>(b) An examination report shall contain only facts:</p> <ol style="list-style-type: none"> (1) from the books, records, or documents of the person being examined; or (2) determined from statements of individuals about the person's affairs. <p>(c) (1) At least 30 days before filing a proposed examination report with the Commissioner, the Commissioner shall give a copy of the proposed report to the person that was examined.</p> <p>(2) If the person requests a hearing in writing within the 30-day period, the Commissioner:</p> <ol style="list-style-type: none"> (i) shall grant a hearing on the proposed report; and (ii) may not file the proposed report until after: <ol style="list-style-type: none"> 1. the hearing is held; and 2. any modifications of the report that the Commissioner considers proper are made. <p>(d) (1) After an examination report is filed with the Commissioner, the examination report is admissible as evidence of the facts contained in it in any action brought by the Commissioner against the person examined or an officer or insurance producer of the person.</p> <p>(2) Regardless of whether a written examination report has been made, served, or filed with the Commissioner, the Commissioner or an examiner may testify and offer other proper evidence about information obtained during an examination.</p> <p>(e) The Commissioner may withhold an examination or investigation report from public inspection for as long as the Commissioner considers the withholding to be:</p> <ol style="list-style-type: none"> (1) necessary to protect the person examined from unwarranted injury; or (2) in the public interest. <p>(f) If the Commissioner considers it to be in the public interest, the Commissioner may publish an examination report or a summary of it in a newspaper in the State.</p> <p>(g) (1) Subject to paragraph (2) of this subsection, the Commissioner may disclose a preliminary examination report, investigation report, or any other matter related to an examination made under § 2-205 or § 2-206 of this subtitle or § 23-207, § 15-10B-19, or § 15-10B-20 of this article only to the insurance regulatory agency of another state or to a federal, State, local, or other law enforcement agency.</p> <p>(2) A disclosure may be made under paragraph (1) of this subsection only if:</p> <ol style="list-style-type: none"> (i) the disclosure is made for regulatory, law enforcement, or prosecutorial purposes; (ii) the agency receiving the disclosure agrees in writing to keep the disclosure confidential and in a manner consistent with this section; and (iii) the Commissioner is satisfied that the agency will preserve the confidential nature of the information. <p><i>continued</i></p>		<p>FYI</p>

Current Law	Disposition	Comment
<p>IN § 2-209 <i>continued</i>.</p> <p>(3) Notwithstanding the provisions of this subsection, final reports of examinations are considered public documents and may be disclosed to the public.</p> <p>(h) The Commissioner may not disclose any information obtained from another state if the information is:</p> <p>(1) related to an examination made by the other state on an insurer domiciled in that state; and</p> <p>(2) of a nature that would be considered confidential under paragraph (1) of this subsection if the examination had been made by this State under § 2-205 or § 2-206 of this subtitle or § 23-103, § 15-10B-19, or § 15-10B-20 of this article.</p>		FYI
<p>IN § 2-501.</p> <p>(a) In this subtitle the following words have the meanings indicated.</p> <p>(b) "Assessment" means an assessment that, subject to § 2-505(c)(3) of this subtitle, equals 60% of the Administration's approved annual budget appropriation under this article.</p> <p>(c) "Fund" means the Insurance Regulation Fund established under § 2-505 of this subtitle.</p> <p>(f) (1) "Insurer" means an insurer or other entity authorized to engage in the insurance business in the State under a certificate of authority issued by the Commissioner.</p> <p>(i) "Multiple type insurer" means an insurer that engages in more than one of the following types of insurance:</p> <p>(1) life;</p> <p>(2) health; or</p> <p>(3) property and casualty.</p> <p>(j) (1) "Premium" has the meaning stated in § 1-101 of this article to the extent it is allocable to this State.</p> <p>(k) (1) "Property and casualty insurer" means an insurer that holds a certificate of authority issued by the Commissioner to engage in the business of property and casualty insurance.</p> <p>(l) "Property and casualty insurer assessment portion" means 34% of the assessment.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 2-502. (a) The Commissioner shall collect an annual assessment fee from each insurer as provided in subsection (b) of this section. (b) The assessment fee shall be calculated as follows: (3) for each property and casualty insurer, the assessment fee is the product of the fraction obtained by dividing the gross direct premium written by the property and casualty insurer in the prior calendar year by the total amount of gross direct premiums written by all property and casualty insurers in the prior calendar year, multiplied by the property and casualty insurer assessment portion. (c) For the purpose of calculating the assessment fee in subsection (b) of this section, a multiple type insurer shall be considered either a health insurer, a life insurer, or a property and casualty insurer based on the majority of premium type written. (d) Notwithstanding any other provision of this subtitle, the minimum assessment shall be \$300 for each authorized insurer.</p>		FYI
<p>IN § 2-503. (a) The Commissioner shall collect the annual assessment fee from each insurer as calculated in § 2-502 of this subtitle. (b) The assessment fee collected under this section is: (1) in addition to any penalties or premium tax imposed under this article; and (2) due and payable to the Commissioner on or before a date determined by the Commissioner each year. (c) (1) Failure by an insurer to pay the assessment fee on or before the due date shall subject the insurer to the provisions of §§ 4-113 and 4-114 of this article. (2) In addition to paragraph (1) of this subsection, an assessment fee not paid on or before the due date may be subject to a penalty of 5% and interest at the rate determined under § 13-701(b)(1) of the Tax – General Article from the due date until payment is made to the Commissioner. (3) If an additional amount is found to be due after the assessment fee has been paid to the Commissioner, the additional amount is subject to interest at 6% from the due date until payment is made to the Commissioner. (d) The total amount of the assessment fee collected by the Commissioner shall be deposited in the Fund. (e) This section does not affect any requirement otherwise established by law for the payment of premium taxes by an insurer.</p>		FYI
<p>IN § 2-504. (a) The assessment fee imposed on insurers under this subtitle is in lieu of any life insurance valuation fees and a reduction in specified insurance producer fees that the Commissioner had previously charged and collected under § 2-112 of this title. (b) In determining adjusted premiums subject to the assessment fee, the Commissioner may use the premiums as stated in the report required under § 2-506(a) of this subtitle.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 2-505.</p> <p>(a) There is an Insurance Regulation Fund that consists of:</p> <p>(1) all revenue received through the imposition and collection of the assessment fee under this subtitle;</p> <p>(2) all revenue received through the imposition and collection of the fees set forth in § 2-112 of this title;</p> <p>(3) all revenue received through the imposition and collection of the fraud prevention fee under Title 6, Subtitle 2 of this article;</p> <p>(4) all revenue received through the collection of examination expenses under § 2-208 of this title;</p> <p>(5) except as provided in § 2-114(a) of this title, all other fees received through the imposition and collection of fees set forth in this article; and</p> <p>(6) income from investments that the State Treasurer makes for the Fund.</p> <p>(b) The purpose of the Fund is to pay all the costs and expenses incurred by the Administration that are related to its responsibilities to regulate the insurance activities of all insurers that engage in the insurance business in this State.</p> <p>(c) (1) All the costs and expenses of the Administration shall be included in the State budget.</p> <p>(2) Any expenditures from the Fund to cover costs and expenses of the Administration may only be made:</p> <p>(i) with an appropriation from the Fund approved by the General Assembly in the annual State budget; or</p> <p>(ii) by the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.</p> <p>(3) (i) 1. Subject to sub-subparagraph 2 of this subparagraph, if, in any fiscal year, the amount of revenue collected by the Commissioner and deposited into the Fund exceeds 105% of the actual appropriations for the Administration, the excess amount shall be carried forward within the Fund.</p> <p>2. The assessment fee imposed under this subtitle shall be adjusted to maintain the Fund at a level that does not exceed 105% of the Administration's approved annual budget.</p> <p>(ii) If, in any given fiscal year, the amount of revenue collected by the Commissioner and deposited into the Fund is insufficient to cover the expenditures of the Administration because of an unforeseen emergency and expenditures are made in accordance with the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article, an additional assessment for the expenditures may be made.</p> <p>(d) (1) The State Treasurer is the custodian of the Fund.</p> <p>(2) The State Treasurer shall deposit payments received from the Commissioner into the Fund.</p> <p><i>Continued</i></p>	<p>Proposed IN § 2-205</p>	<p>Add provision for allocation of money for equipment.</p>

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Current Law	Disposition	Comment
<p>IN § 2-505. (e) (1) The Fund is a continuing, nonlapsing fund and is not subject to § 7-302 of the State Finance and Procurement Article, and may not be deemed a part of the General Fund of the State. (2) No part of the Fund may revert or be credited to: (i) the General Fund of the State; or (ii) a special fund of the State, unless otherwise provided by law.</p>		FYI
<p>IN § 2-506. (a) (1) On or before March 1 of each year, each insurer subject to this subtitle shall file with the Commissioner a report of the new and renewal gross direct premiums.</p>		FYI
<p>IN § 2-507. The Commissioner may adopt regulations necessary to implement any provision of this subtitle. (2) The report shall be filed in a manner and contain the information required by the Commissioner. (b) If an insurer files its annual statement on or before March 1, and the information required under subsection (a) of this section is included in that annual statement, the insurer is not required to file a report under subsection (a) of this section.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 4-113.</p> <p>(a) The Commissioner shall deny a certificate of authority to an applicant or refuse to renew, suspend, or revoke a certificate of authority if:</p> <ul style="list-style-type: none"> (1) the action is required by any provision of this article; (2) the insurer no longer meets the requirements for the certificate of authority because of a deficiency in assets or any other reason; (3) the business of the insurer is fraudulently conducted; (4) the insurer is insolvent, or its assets are not sufficient for carrying on its business; (5) the insurer fails to pay taxes on premiums required under this article; (6) the insurer willfully fails to provide the Commissioner with required information about medical malpractice insurance issued by the insurer in this State or any other state; (7) the issuance or renewal of a certificate of authority is contrary to the public interest; (8) the Commissioner finds that the principal management personnel of the insurer is: <ul style="list-style-type: none"> (i) untrustworthy or not of good character; or (ii) so lacking in insurer managerial experience as to make the proposed operation hazardous to the insurance-buying public or to the insurer's stockholders; or (9) the Commissioner has good reason to believe that the insurer is affiliated, directly or indirectly, through ownership, control, management, reinsurance transactions, or other insurance or business relations with a person whose business operations are or have been marked by the manipulation of assets, accounts, or reinsurance or by bad faith, to the detriment of insureds, stockholders, or creditors. <p>(b) The Commissioner may deny a certificate of authority to an applicant or, subject to the hearing provisions of Title 2 of this article, refuse to renew, suspend, or revoke a certificate of authority if the applicant or holder of the certificate of authority:</p> <ul style="list-style-type: none"> (1) violates any provision of this article other than one that provides for mandatory denial, refusal to renew, suspension, or revocation for its violation; (2) knowingly fails to comply with a regulation or order of the Commissioner; (3) is found by the Commissioner to be in unsound condition or in a condition that renders further transaction of insurance business hazardous to the insurer's policyholders or the public; (4) is engaged in writing policies in a jurisdiction in which it operates on a premium basis that the Commissioner finds to be insufficient, insecure, or impracticable so as to endanger the solvency of the insurer; (5) refuses or delays payment of amounts due claimants without just cause; (6) refuses to be examined or to produce its accounts, records, or files for examination by the Commissioner when required; (7) refuses to provide additional information that the Commissioner considers advisable in considering an application for renewal of the certificate of authority; <p><i>continued</i></p>		<p>FYI</p>

Current Law	Disposition	Comment
<p>IN § 4-113 <i>continued.</i></p> <p>(b) The Commissioner may deny a certificate of authority to an applicant or, subject to the hearing provisions of Title 2 of this article, refuse to renew, suspend, or revoke a certificate of authority if the applicant or holder of the certificate of authority:</p> <p>(8) fails to pay a final judgment against it in the State within 30 days after the judgment becomes final;</p> <p>(9) is affiliated with and under the same general management or interlocking directorate or ownership as another insurer that transacts direct insurance in the State without having a certificate of authority to do so, except as allowed to a surplus lines insurer under Title 3, Subtitle 3 of this article;</p> <p>(10) is found by the Commissioner to have participated, with or without the knowledge of an insurance producer, in selling motor vehicle insurance without an actual intent to sell the insurance, as evidenced by a persistent pattern of filing certificates of insurance together with or closely followed by cancellation notices for the insurance;</p> <p>(11) except as allowed under § 10-103(c) of this article, is found by the Commissioner to have knowingly participated with a person, acting as an insurance producer, that does not have an appointment from the insurer in accepting insurance contracts that the person has sold, solicited, or negotiated, if committed with sufficient frequency to indicate a general business practice;</p> <p>(12) has had a certificate of authority revoked or suspended by the insurance regulatory authority of another state;</p> <p>(13) has violated the provisions of Title 6.5 of the State Government Article;</p> <p>(14) fails to provide to the Commissioner or an insurance producer any information required by § 10-118 of this article regarding the termination of an appointment of the insurance producer; or</p> <p>(15) in providing information required by or provided pursuant to § 10-118 of this article regarding the termination of an appointment of an insurance producer, makes an inaccurate statement with actual malice.</p> <p>(c) (1) On refusal to renew, suspension, or revocation of an insurer's certificate of authority, the Commissioner immediately shall notify:</p> <p>(i) the insurer; and</p> <p>(ii) each insurance producer of the insurer in the state of record in the office of the Commissioner.</p> <p>(2) The refusal to renew, revocation, or suspension of a certificate of authority automatically suspends or revokes the appointment of each insurance producer of the insurer in the State.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 4-205.</p> <p>(a) This section does not apply to:</p> <ul style="list-style-type: none"> (1) the lawful transaction of surplus lines insurance; (2) the lawful transaction of reinsurance by insurers; (3) transactions in the State that involve, and are subsequent to the issuance of, a policy that was lawfully solicited, written, and delivered outside of the State covering only a subject of insurance not resident, located, or expressly to be performed in the State at the time of issuance of the policy; (4) transactions that involve insurance contracts that are independently procured through negotiations occurring entirely outside of the State and that are reported and on which the premium tax is paid in accordance with §§ 4-210 and 4-211 of this subtitle; (5) an attorney while acting in the ordinary relation of attorney and client in the adjustment of claims or losses; or (6) unless otherwise determined by the Commissioner, transactions in the State that involve group or blanket insurance or group annuities if the master policy of the group was lawfully issued and delivered in another state in which the person was authorized to engage in insurance business. <p>(b) An insurer or other person may not, directly or indirectly, do any of the acts of an insurance business set forth in subsection (c) of this section, except as provided by and in accordance with the specific authorization of statute.</p> <p>(c) Any of the following acts in the State, effected by mail or otherwise, is considered to be doing an insurance business in the State:</p> <ul style="list-style-type: none"> (2) making or proposing to make, as guarantor or surety insurer, a contract of guaranty or suretyship as a vocation and not merely incidental to another legitimate business or activity of the guarantor or surety insurer; 		FYI
<p>IN § 8-201.</p> <p>(a) In this subtitle the following words have the meanings indicated.</p> <p>(c) (2) "Managing general agent" does not include:</p> <ul style="list-style-type: none"> (iv) an authorized insurance producer acting for a surety insurer that engages exclusively in the business of issuing bail bonds; or 		FYI

Current Law	Disposition	Comment
<p>IN § 10-103.</p> <p>(c) Except as otherwise provided in this article, before a person acts as an insurance producer in the State, the person must obtain:</p> <p>(1) a license in the kind or subdivision of insurance for which the person intends to act as an insurance producer; and</p> <p>(2) if acting for an insurer, an appointment from the insurer.</p> <p>(d) (1) Except as otherwise provided in this subsection, an insurance producer may not sell, solicit, or negotiate any insurance on behalf of an insurer for which the insurance producer does not have an appointment.</p> <p>(2) Without an appointment, an insurance producer may:</p> <p>(i) submit to an insurer an informal inquiry for any kind of life insurance, health insurance, or annuity for which the insurance producer has a license if the insurer has a certificate of authority for the kind of insurance about which the inquiry is made; and</p> <p>(ii) solicit an application for any kind of life insurance, health insurance, or annuity for which the insurance producer has a license if the insurer to which the application is submitted has a certificate of authority for the kind of insurance requested in the application.</p> <p>(e) Before a business entity may accept in its own name compensation for acting as an insurance producer in the State, the business entity must obtain:</p> <p>(1) a license in the kind or subdivision of insurance for which the business entity intends to act as an insurance producer; and</p> <p>(2) an appointment for the kind or subdivision of insurance for which it intends to act as an insurance producer on behalf of an insurer.</p>		<p>FYI</p>

Current Law	Disposition	Comment
<p>IN § 10-104. (f) (1) Except as otherwise provided in this section: (i) so that the applicant is reasonably familiar with the kind or subdivision of insurance for which the applicant wants to be licensed, the applicant must complete successfully a program of studies that has been established or approved by the Commissioner; (ii) during the 3 years immediately preceding the date of application, the applicant must have been employed regularly for periods totaling at least 1 year: 1. by the Administration as an employee or by an insurer or insurance producer; and 2. in responsible insurance duties in connection with the kind or subdivision of insurance for which the applicant wants to be licensed; or (iii) during the 3 years immediately preceding the date of entering or immediately after discharge from the armed forces of the United States, the applicant must have been employed regularly for periods totaling at least 1 year: 1. by an insurer or insurance producer; and 2. in connection with the kind or subdivision of insurance for which the applicant wants to be licensed. (2) In the case of an applicant for a limited lines license to act as an insurance producer for limited line credit insurance, the applicant shall complete successfully a program of instruction that is: (i) provided by an insurer that sells, solicits, or negotiates limited line credit insurance; and (ii) approved by the Commissioner.</p>		FYI
<p>IN § 10-118. (b) (1) (i) When there is any termination of the appointment, employment, contract, or other insurance business relationship with an insurance producer, the insurer shall, within 30 days following the effective date of the termination, update the insurer's producer register by entering the effective date of the termination. (ii) An insurer or authorized representative of an insurer shall notify the Commissioner of the termination of an appointment when the termination, in whole or in part, is a result of the belief that the producer has engaged or is engaging in any of the activities set forth in § 10-126 of this subtitle, including any finding made by a court, governmental unit, or self-regulatory organization authorized by law that: 1. the insurance producer has violated § 10-126 of this subtitle; or 2. the insurance producer has engaged in any activities that are set forth in § 10-126 of this subtitle. (iii) On written request of the Commissioner, the insurer shall provide additional information, documents, records, or other data pertaining to: 1. the termination; or 2. The activities of the insurance producer if the insurance producer was terminated for cause due to a reason set forth in § 10-126 of this subtitle.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 10-126.</p> <p>(a) The Commissioner may deny a license to an applicant under §§ 2-210 through 2-214 of this article, or suspend, revoke, or refuse to renew or reinstate a license after notice and opportunity for hearing under §§ 2-210 through 2-214 of this article if the applicant or holder of the license:</p> <ul style="list-style-type: none"> (1) has willfully violated this article or another law of the State that relates to insurance; (2) has intentionally misrepresented or concealed a material fact in the application for a license; (3) has obtained or attempted to obtain a license by misrepresentation, concealment, or other fraud; (4) has misappropriated, converted, or unlawfully withheld money belonging to an insurer, insurance producer, beneficiary, or insured; (5) has willfully and materially misrepresented the provisions of a policy; (6) has committed fraudulent or dishonest practices in the insurance business; (7) has participated, with or without the knowledge of an insurer, in selling motor vehicle insurance without an actual intent to sell the insurance, as evidenced by a persistent pattern of filing certificates of insurance together with or closely followed by cancellation notices for the insurance; (8) has been convicted by final judgment in any state or federal court of a felony or crime involving moral turpitude; (9) has knowingly participated in writing or issuing substantial over-insurance of property insurance risks; (10) has failed an examination required by this subtitle; (11) has willfully failed to comply with or has willfully violated a proper order, subpoena, or regulation of the Commissioner or the insurance regulatory authority of another state; (12) has failed or refused to pay over on demand money that belongs to an insurer, insurance producer, or other person entitled to the money; (13) has otherwise shown a lack of trustworthiness or competence to act as an insurance producer; (14) is not or does not intend to carry on business in good faith and represent to the public that the person is an insurance producer; (15) has been denied a license or certificate in another state or has had a license or certificate suspended or revoked in another state; (16) has intentionally or willfully made or issued, or caused to be made or issued, a statement that materially misrepresents or makes incomplete comparisons about the terms or conditions of a policy or contract issued by an authorized insurer, for the purpose of inducing or attempting to induce the owner of the policy or contract to forfeit or surrender it or allow it to lapse in order to replace it with another; <p><i>continued</i></p>		<p>FYI</p>

Current Law	Disposition	Comment
<p>IN § 10-126 <i>continued</i>.</p> <p>(a) The Commissioner may deny a license to an applicant under §§ 2-210 through 2-214 of this article, or suspend, revoke, or refuse to renew or reinstate a license after notice and opportunity for hearing under §§ 2-210 through 2-214 of this article if the applicant or holder of the license:</p> <p>(17) has transacted insurance business that was directed to the applicant or holder for consideration by a person whose license or certificate to engage in the insurance business at the time was suspended or revoked, and the applicant or holder knew or should have known of the suspension or revocation;</p> <p>(18) has solicited, procured, or negotiated insurance contracts for an unauthorized insurer, including contracts for nonprofit health service plans, dental plan organizations, and health maintenance organizations;</p> <p>(19) has knowingly employed or knowingly continued to employ an individual acting in a fiduciary capacity who has been convicted of a felony or crime of moral turpitude within the preceding 10 years;</p> <p>(20) has forged another's name to an application for insurance or to any document related to an insurance transaction;</p> <p>(21) has improperly used notes or any other reference material to complete an examination for a license;</p> <p>(22) has failed to pay income tax or related interest or penalty under:</p> <p>(i) an assessment under the Tax - General Article that is final and no longer subject to review by the tax court; or</p> <p>(ii) an order of the tax court that is final and no longer subject to judicial review; or</p> <p>(23) in providing information under § 10-118 of this subtitle regarding the termination of an appointment with an insurer, has made an inaccurate statement with actual malice.</p> <p>(b) (1) The Commissioner may deny a license to an applicant business entity under §§ 2-210 through 2-214 of this article, or suspend, revoke, or refuse to renew or reinstate a license of a business entity after notice and opportunity for hearing under §§ 2-210 through 2-214 of this article, if an individual listed in paragraph (2) of this subsection has:</p> <p>(i) violated any provision of this subtitle;</p> <p>(ii) been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust; or</p> <p>(iii) had any professional license suspended or revoked for a fraudulent or dishonest practice.</p> <p>(2) This subsection applies in any case that involves a business entity if the violation was committed by an individual who is:</p> <p>(i) an insurance producer;</p> <p>(ii) 1. in the case of a limited liability company, an officer, director, member, or manager;</p> <p><i>continued</i></p>		<p>FYI</p>

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Current Law	Disposition	Comment
<p>IN § 10-126 <i>continued</i>. (b) (2) This subsection applies in any case that involves a business entity if the violation was committed by an individual who is:</p> <ol style="list-style-type: none"> 2. in the case of a partnership, a partner; and 3. in the case of a corporation, a director, officer, or owner; or <p>(iii) an individual with direct control over the fiscal management of the business entity.</p>		FYI
<p>IN § 10-130. (a) Except as otherwise provided in §§ 10-102 and 10-119 of this subtitle, a commission, fee, reward, rebate, or other consideration for selling, soliciting, or negotiating insurance may not be paid, directly or indirectly, to a person other than a licensed insurance producer. (b) Except as otherwise provided in this article, for life insurance or health insurance this section does not prohibit payment to or receipt by a person who formerly held a license and, if the person acted on behalf of an insurer, an appointment of:</p> <ol style="list-style-type: none"> (1) commissions on renewal premiums on existing policies; or (2) other deferred commissions. <p>(c) Unless the payment would violate § 27-209 or § 27-212 of this article, an insurer or insurance producer may pay or assign commissions, service fees, or other valuable consideration to an insurance agency or to persons who do not sell, solicit, or negotiate insurance in the State.</p>		FYI
<p>IN § 10-301. (a) In this subtitle the following words have the meanings indicated. (b) "Bail bond" means a written obligation of a defendant, with or without a surety or collateral security, that:</p> <ol style="list-style-type: none"> (1) is conditioned on the appearance of the defendant as required; and (2) provides for the payment of a penal sum according to its terms. <p>(c) "Bail bondsman" means an authorized insurance producer of a surety insurer. (d) "Collateral security" means any property deposited, pledged, or encumbered to secure the performance of a bail bond. (e) "License" means a license issued by the Commissioner to provide bail bondsman services. (f) "Provide bail bondsman services" means to provide any service in the bail bondsman trade. (g) (1) "Surety" means a person, other than the defendant, that guarantees the appearance of the defendant by executing a bail bond. (2) "Surety" includes an uncompensated or accommodation surety. (h) "Surety insurer" means a person that, for compensation, directly or through an authorized insurance producer, acts as a surety on a bail bond.</p>	Proposed IN § 10-301	<p>In (b), incorporate definition of "collateral" and "surety" in current IN § 10-301(d) and (g), which is proposed for deletion.</p> <p>In (c), incorporate current defined term "provide bail bond services" [proposed IN § 10-301(f).</p> <p>In (e) and (f), substitute "bond" for "bondsman".</p> <p>Also in (f), add 2nd paragraph illustrative of services.</p> <p>Delete (h).</p>
<p>IN § 10-302. This subtitle does not apply to bail bondsmen that provide bail bondsman services under § 5-203 of the Criminal Procedure Article.</p>	Delete	

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Current Law	Disposition	Comment
<p>IN § 10-303. The Commissioner shall adopt regulations to carry out this subtitle.</p>	Delete	Covered by current IN § 2-109(a)(1).
<p>IN § 10-304. (a) An individual must obtain a license before the individual provides bail bondsman services in the State. (b) A license issued by the Commissioner under this subtitle is identical to a certificate of qualification issued under Subtitle 1 of this title.</p>	Proposed IN § 10-306	<p>Restate in standard language and add exclusions.</p> <p>Delete (b) as current practice requires licensure – not merely meeting requirements.</p>
<p>IN § 10-305. An applicant for a license must be an individual who meets the requirements for acting as a property and casualty insurance producer under Subtitle 1 of this title.</p>	Proposed IN § 10-307	<p>Restate in standard language and add additional criteria per Circuit Rules.</p> <p>Query whether residency requirement is Constitutional?</p>
<p>IN § 10-306. The Commissioner shall set licensing fees that are sufficient to cover the expenses of licensing bail bondsmen under this subtitle.</p>	Proposed IN § 2-112	Consolidates fee provisions applicable to licensed bondsmen under current IN § 10-305 application.
<p>IN § 10-307. Each bail bondsman must comply with any continuing education requirements that the Commissioner sponsors or approves.</p>	Delete	Covered by current IN § 10-116.
<p>IN § 10-308 Each year, each bail bondsman must certify to the Commissioner, on a form that the Commissioner requires, that the majority of the bail bondsman's income is from providing bail bondsman services.</p>	Proposed IN § 10-309	Recodify as additional criteria.

Current Law	Disposition	Comment
<p>IN § 21-101. (a) A surety insurer qualified to act as surety or guarantor under this article may execute: (1) a bond, undertaking, recognizance, or other obligation that is required or allowed to be made, given, tendered, or filed with a surety by law or in the charter, ordinances, rules, or regulations of a municipal corporation, board, body, organization, court, judge, or public officer; and (2) a guaranty of the performance of an act, duty, or obligation, or the refraining from an act, that is required or allowed to be guaranteed. (b) The execution by a qualified surety insurer of a bond, undertaking, recognizance, obligation, or guaranty is in full compliance with each requirement of each law, charter, ordinance, rule, or regulation that: (1) the bond, undertaking, recognizance, obligation, or guaranty shall be executed by a surety; or (2) the surety shall be a resident, householder, or freeholder, or either or both, or shall have any other qualifications. (c) Each court, judge, department head, board, body, municipal corporation, and public officer shall accept a bond, undertaking, recognizance, obligation, or guaranty executed by a qualified surety insurer and treat it as conforming to and fully complying with each requirement of each applicable law, charter, ordinance, rule, or regulation. (d) A surety insurer may be released from its liability on a bond, undertaking, recognizance, obligation, or guaranty executed under subsection (a) of this section on the same terms and conditions provided by law for the release of an individual surety.</p>		<p>No change.</p> <p>Query: Does some reference to Form 4-217.2 need to be made?</p>
<p>IN § 21-102. A certificate of authority, or certified copy of a certificate of authority, issued by the Commissioner to a surety insurer shall be accepted as evidence of qualification to become sole surety on a bond, undertaking, recognizance, or other obligation required or allowed by law, or in the charter, ordinances, rules, or regulations of a municipal corporation, board, organization, court, judge, or public officer, without further proof or qualification regarding solvency, credit, or financial sufficiency to act as a surety.</p>		<p>FYI</p>

Current Law	Disposition	Comment
<p>IN § 26-101.</p> <p>(a) In this title the following words have the meanings indicated.</p> <p>(b) "Emergency road service" means the adjustment, repair, or replacement of the equipment, tires, or mechanical parts of a motor vehicle so that the motor vehicle may be operated under its own power.</p> <p>(c) "License" means a license issued by the Commissioner to provide motor club service.</p> <p>(d) "Licensee" means a motor club that is licensed by the Commissioner to provide motor club service.</p> <p>(e) "Member" means a member or subscriber of a motor club.</p> <p>(f) "Motor club" means a person engaged directly or indirectly in selling or offering for sale, furnishing, or procuring motor club service.</p> <p>(g) "Motor club service" means, in connection with the ownership, operation, use, or maintenance of a motor vehicle by a person, and in consideration of the person being or becoming a member of a motor club, affiliated with a motor club, or entitled to receive membership or other service from a motor club because of an agreement between the person and the motor club, the rendering, furnishing, or procuring of or the payment or reimbursement for, wholly or partly, any or all of the following services to the person:</p> <ol style="list-style-type: none"> (1) emergency road service; (2) bail bond service, which is the furnishing of or arranging for a cash deposit, bond, or other form of security required by law for a member accused of a violation of a motor vehicle law or traffic ordinance, to obtain the member's release from custody pending trial; (3) financing service, which is the arranging for a loan or other advance of money to a member in connection with providing any other motor club service; (4) insurance service, which is the furnishing of coverage to a member under an approved group or blanket policy, subject to the limitations of this article, issued to the motor club by an authorized insurer; (5) legal reimbursement service, which is the payment for or reimbursement of a member of fees charged by an attorney for services rendered to the member in defense of a traffic offense; (6) theft service, which is the offering of assistance in locating, identifying, or recovering a stolen or missing motor vehicle owned by a member, or the offering of a reward for the purpose of detecting or apprehending the person guilty of the theft; and (7) towing service, which is the furnishing to a member of the means to move a motor vehicle, under power other than its own, from one place to another. <p>(h) "Representative" means an individual who, for compensation, solicits or sells memberships, subscriptions, or franchises for a motor club.</p>		FYI

Current Law	Disposition	Comment
<p>IN § 27-502.</p> <p>(a) A surety insurer may not cancel or refuse to issue or renew a surety bond for a reason based wholly or partly on race, color, creed, sex, or physical handicap or disability of an applicant or principal or for any other arbitrary, capricious, or unfairly discriminatory reason.</p> <p>(b) A surety insurer may not require special conditions, facts, or situations as a condition to its acceptance or renewal of a particular surety risk in an arbitrary, capricious, unfair, or discriminatory manner based wholly or partly on race, creed, color, sex, religion, national origin, place of residence, or physical handicap or disability.</p> <p>(c) A surety insurer may not make an inquiry about race, creed, color, or national origin in a surety form, questionnaire, or other manner of requesting general information that relates to an application for a surety bond.</p> <p>(d) On request, a surety insurer that intends to cancel or refuse to issue or renew a surety bond shall send to the bondholder or applicant written notice that states the reason for the proposed action.</p> <p>(e) (1) A person aggrieved under this section shall notify the Commissioner in writing within 30 days after the occurrence giving rise to the complaint and shall state the facts giving rise to the complaint.</p> <p>(2) On receipt of a complaint, the Commissioner shall forward a copy of the complaint to the surety insurer.</p> <p>(3) If the Commissioner finds that the complaint is without merit, the Commissioner shall dismiss the complaint without a hearing and shall notify the surety insurer and complainant promptly in writing.</p> <p>(4) If the complaint is not dismissed without a hearing, the Commissioner shall:</p> <p>(i) hold a hearing on the complaint within 30 days after receipt of the complaint; and</p> <p>(ii) give written notice of the time and place of the hearing to all parties at least 10 days before the hearing.</p> <p>(5) At a hearing to determine whether this section has been violated, the burden of persuasion is on the surety insurer to show that the cancellation or refusal to underwrite or renew is not based wholly or partly on race, color, creed, sex, or physical handicap or disability of an applicant or principal or for any unfairly discriminatory reason.</p> <p>(6) If, after the hearing, the Commissioner finds that the surety insurer has violated this section, the Commissioner may issue an appropriate order that:</p> <p>(i) states the manner in which the surety insurer has violated this section;</p> <p>(ii) provides relief under subsection (g) or (h) of this section; and</p> <p>(iii) states when, within a reasonable period but not less than 10 days after the hearing, the order shall be effective.</p> <p>(f) (1) Any information or testimony provided by a surety insurer pursuant to a complaint under this section is privileged and confidential.</p> <p><i>continued</i></p>		<p>FYI</p>

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Current Law	Disposition	Comment
<p>IN § 27-502 <i>continued</i>. (2) There is no liability on the part of and no cause of action against a surety insurer, its representatives, or another person who in good faith provides to the surety insurer information or testimony that relates to the complaint. (g) If the Commissioner finds that a surety insurer has willfully violated this section, the Commissioner may impose a fine on the surety insurer in accordance with § 1-301 of this article. (h) Instead of the fine provided in subsection (g) of this section, the Commissioner may order the surety insurer to write the bond if, at the hearing, the Commissioner finds by a preponderance of the evidence that the violation of subsection (a) or (b) of this section was knowing and willful and was the basis for the surety insurer's action.</p>		Fyi
<p>TR § 26-403. A District Court commissioner may not set bail in an amount greater than the maximum allowed as a fine for the alleged offense.</p>		FYI

Current Law	Disposition	Comment
<p>TR § 26-404.</p> <p>(a) (1) In this section the following words have the meanings indicated.</p> <p>(2) "Guaranteed arrest bond certificate" means any certificate that is issued under this section by an insurance company or motor club to provide bail bond services to any of its insureds or members.</p> <p>(3) "Insurance company" means an insurance company that is authorized to write automobile liability insurance in this State.</p> <p>(4) "Motor club" has the meaning stated in § 26-101 of the Insurance Article.</p> <p>(5) "Surety company" means any company designated as a surety company under Title 21 of the Insurance Article.</p> <p>(b) Within the limitations of this section, the following persons may issue a guaranteed arrest bond certificate:</p> <p>(1) Any insurance company that is also a surety company; or</p> <p>(2) If acting in conjunction with a surety company, any other insurance company or any motor club.</p> <p>(c) A guaranteed arrest bond certificate shall:</p> <p>(1) Specify its expiration date; and</p> <p>(2) Contain printed statements that:</p> <p>(i) The issuer and surety company guarantee the court appearance of the person to whom the certificate is issued; and</p> <p>(ii) If the person fails to appear in court at the time of the trial, it will pay any fine or forfeiture that is imposed on the person and does not exceed \$1,000.</p> <p>(d) Any surety company may become surety for persons posting guaranteed arrest bond certificates, by filing an undertaking to become surety with the Insurance Administration.</p> <p>(e) (1) A guaranteed arrest bond certificate may not be delivered or issued for delivery in this State unless the form has been filed with and approved by the Insurance Commissioner.</p> <p>(2) Unless the Insurance Commissioner affirmatively approves or disapproves the form within 30 days after it is filed with him, he is considered to have approved it.</p> <p>(3) An order of the Insurance Commissioner disapproving the form or withdrawing a previous approval shall state the reasons for the action taken.</p> <p>(f) A guaranteed arrest bond certificate may not be accepted:</p> <p>(1) As a part of a surety undertaking or bail bond requirement of more than \$1,000; or</p> <p>(2) To guarantee the appearance of any person in a court of this State, if the offense charged is:</p> <p>(i) Driving or attempting to drive while under the influence of alcohol or while driving under the influence of alcohol;</p> <p><i>continued</i></p>		<p>FYI</p>

Current Law	Disposition	Comment
<p>TR § 26-404 <i>continued.</i></p> <p>(ii) Driving or attempting to drive while impaired by drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance; or</p> <p>(iii) Any felony.</p> <p>(g) (1) Except as provided in subsection (f) of this section, if the offense allegedly was committed before the expiration date of the certificate, the posting of a guaranteed arrest bond certificate by the person to whom it was issued shall be accepted, instead of cash bail or other bond, to guarantee the appearance in any court in this State, at a time designated by the court, of any person arrested for a violation of:</p> <p>(i) Any provision of the Maryland Vehicle Law; or</p> <p>(ii) Any traffic law or ordinance of any political subdivision of this State.</p> <p>(2) A guaranteed arrest bond certificate posted as bail bond is subject to forfeiture if the person who posted it fails to appear in court at the time of the trial.</p> <p>(3) The provisions of this section apply to both residents and nonresidents of this State.</p>		FYI
<p>COMAR 31.03.05.01.</p> <p>A. This chapter does not apply to property bail bondsmen.</p> <p>B. This chapter does not apply to bail bondsmen engaged in bail bond business in a State judicial circuit that by rule of court prescribes the terms and conditions for bail bonds filed in the circuit courts for that county as authorized by Criminal Procedure Article 27, § 5-203, Annotated Code of Maryland, and Maryland Rule of Procedure 16-817.</p>	Delete	
<p>COMAR 31.03.05.02.</p> <p>A. In this chapter, the following terms have the meanings indicated.</p> <p>B. Terms Defined.</p> <p>(1) "Bail bondsman" means a surety agent who is appointed by an insurer to solicit, procure, negotiate, and effectuate bail bonds on behalf of that insurer.</p> <p>(2) "Licensee" means an insurer which is authorized in this State to engage in the business of surety insurance, either directly or through an appointed surety agent.</p> <p>(3) "Property bail bondsman" means a person who pledges currency or real or personal property as security for a bail bond in connection with a judicial proceeding.</p> <p>(4) "Surety agent" means an agent who holds a valid certificate of qualification from the Commissioner for the sale of surety insurance and is appointed by an authorized insurer to act as its agent in the sale of surety insurance.</p>		

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Current Law	Disposition	Comment
<p>COMAR 31.03.05.03. A. An insurer may not directly or indirectly pay any commission, fee, reward, or other consideration for procuring or influencing the procurement of any bail bond to any person unless that person is a surety agent, as defined in Regulation .02B(4) of this chapter and is appointed by the insurer. B. A person acting as a bail bondsman or on behalf of a bail bondsman may not in any manner solicit, procure, negotiate, or effectuate for another any kind of bail bond in this State unless that person is a surety agent, as defined in Regulation .02B(4) of this chapter.</p>	<p>Proposed IN § 10-326</p>	<p>Query: Current regulation states no penalty. Should provision be codified with crimes and penalties stated?</p>
<p>COMAR 31.03.05.04. The business of a surety agent may be conducted by an individual, partnership, or corporation, provided that an individual who solicits, procures, negotiates, or effectuates surety business shall be a surety agent.</p>	<p>Proposed IN § 10-307(d)</p>	<p>Delete requirement for filing general power of attorney and notice of termination as current IN provisions on appointments cover requirements.</p>
<p>COMAR 31.03.05.05. A. A bail bondsman shall: (1) Before conducting business as a bail bondsman, be appointed by an authorized insurer to act as the insurer's agent in the placement of bail bonds; and (2) File with the Commissioner and with the Chief Clerk of the District Court of Maryland the general power of attorney executed by or on behalf of the surety insurer evidencing the authorization of the surety agent to conduct business as a bail bondsman on behalf of the insurer. B. A surety insurer which terminates the appointment of any surety agent shall immediately file a written notice of termination with the Commissioner and with the Chief Clerk of the District Court of Maryland.</p>	<p>Proposed IN § 10-329</p>	<p>Query: Current regulation allows disciplinary action. Should provision be codified with crimes and penalties stated?</p>
<p>COMAR 31.03.05.06. A surety agent who intentionally makes a misleading or false representation to a court or to a public official for the purpose of avoiding a forfeiture of bail, having a forfeiture set aside, or obtaining the release of a defendant on his own recognizance, shall be considered to have violated Insurance Article, §§ 10-126(a)(6), (13), and (14), Annotated Code of Maryland.</p>	<p>Proposed IN § 10-327</p>	<p>Query: Current regulation states no penalty. Should provision be codified with crimes and penalties stated?</p>
<p>COMAR 31.03.05.07. A. Except for motor clubs, a surety agent or licensee may not execute a bail bond without charging a specific premium for the transaction. B. In instances where a specific premium is charged, the actual premium charged may not differ from the premium rate approved by the Commissioner pursuant to Insurance Article, Title 11, Subtitle 2, Annotated Code of Maryland.</p>	<p>Proposed IN § 10-327(a)(1)</p>	<p>Penalty added, per Anne Arundel and Montgomery County public local laws.</p>

Current Law	Disposition	Comment
<p>COMAR 31.03.05.08.</p> <p>A. A surety agent shall maintain records of all bail bonds executed, in sufficient detail to enable the Commissioner to obtain all necessary information concerning each transaction. These records shall be made available for inspection by the Commissioner for at least 1 year after termination of the surety liability.</p> <p>B. A surety agent's records shall include a daily bond register. The register shall set forth, at a minimum:</p> <ol style="list-style-type: none"> (1) The number of the power of attorney form; (2) The date the bond was executed; (3) The name of the principal; (4) The amount of the bond; (5) The premium charged; (6) The premium reported to the surety company and the date reported; (7) A description, including the date and amount, of any collateral received; (8) A description, including the date and amount, of any collateral returned; (9) The indemnity agreement, if any; and (10) The disposition of the bond, including the date of disposition. <p>C. A surety agent shall retain:</p> <ol style="list-style-type: none"> (1) Evidence of the return of any security or collateral, including a receipt evidencing the return or repayment of the security or collateral, for a minimum of 1 year from the date of return; (2) Copies of all affidavits made in connection with indemnity agreements or collateral received, for a minimum of 1 year from the date of the termination of the surety liability; and (3) Copies of all written representations made to any court or to any public official for the purpose of avoiding a forfeiture of bail, setting aside a forfeiture, or causing a defendant to be released on his own recognizance, for a minimum of 1 year from the date of the termination of the surety liability. 	<p>Proposed IN § 10-318</p>	<p>Cover time limit and form in proposed regulation.</p>
<p>COMAR 31.03.05.09.</p> <p>A. A surety agent shall provide a numbered receipt to bail bond purchasers. A copy of the receipt shall be retained by the surety agent.</p> <p>B. The receipts, at a minimum, shall contain the following information:</p> <ol style="list-style-type: none"> (1) The name, place of business, address, and telephone number of the surety agent; (2) An itemized statement of the amount of bail and the jurisdiction for which the bond is being written; (3) An itemized statement of the premium charged; (4) The amount collected by the surety agent; (5) The unpaid balance, if any; and (6) The amount, value, and description of any collateral received. 	<p>Proposed IN § 10-315</p>	

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Current Law	Disposition	Comment
<p>COMAR 31.03.05.10. A surety agent shall, in an affidavit, describe in detail any collateral received in connection with a bail bond transaction and the terms of any indemnity or collateral agreement.</p>	<p>Proposed IN § 10-316</p>	
<p>COMAR 31.03.05.11. A. Immediately upon the discharge of a bond, the licensee or surety agent shall return any collateral held by the licensee or the surety agent. Upon receiving a request for return of collateral, the licensee or surety agent shall promptly determine whether the obligation has been discharged. B. The licensee or surety agent may deduct any unpaid premiums due on the bail bond from any collateral being returned.</p>	<p>Proposed IN § 10-317(b)</p>	
<p>COMAR 31.03.05.12. In instances where a licensee or surety agent executes a bail bond in anticipation of pretrial release of a defendant and the defendant does not subsequently qualify for pretrial release, then the licensee shall refund all premiums or fees received and all collateral held within 5 working days.</p>	<p>Proposed IN § 10-317(a)</p>	
<p>Allegany § 32-10. The County Commissioners of Allegany County are directed to pay to the Clerk of the Court, to be expended under the direction of the Judges of said Court for the augmentation, maintenance and upkeep of the library of said Court, such sums of money as said Judges may, from time to time, request for the purpose aforesaid, such sums in the aggregate not less than the sum of three thousand dollars (\$3,000.) In any one (1) year; provided, however, that such payments shall be made only in the event that the amounts received by said Clerk for the aforesaid purposes from fines and forfeitures, as provided in Section 5 of Article 38 of the Annotated Code of Public General Laws of Maryland, shall be insufficient for said purposes.</p>	<p>Proposed CJ § 7-507(c)(1)</p>	<p>Included for completeness, but not bail related and probably should be separate bill. Recommend to Code Revision to complete 2004 recodification.</p>

Current Law	Disposition	Comment
<p>Anne Arundel Art. V. § 542. The Plumbing Commission, the Board of Examiners and Supervisors (or the Board of Electrical Examiners and Supervisors), the Board of Bail Bond License Commissioners and other boards, commissions and agencies connected with the functions of the Department of Inspections and Permits shall be administered as units of said Department. Nothing in this Charter contained shall be held or construed as preventing the County Council by ordinance from reorganizing, reconstituting or abolishing any of such boards, commissions or agencies provided that as of the operative date of this Article the appointing authority for members of all such boards, commissions and agencies shall be the County Executive. All employees of such boards, commissions and agencies shall become employees of the Department of Inspections and Permits subject to the provisions of Article VIII of this Charter and the funds in the custody of the boards, commissions and agencies shall be paid into the treasury of the County. Administrative functions of any board, commission or agency existing or created for the regulation, examination or inspection of the qualifications or work of occupational groups or the issuing of licenses or permits shall be performed by employees of the Department of Inspections and Permits. Rules and regulations of such boards, commissions and agencies not inconsistent with this Charter shall remain in force and effect unless and until changed by ordinance. Members of such boards, commissions or agencies shall receive no compensation for their services except reasonable and necessary expense as may be provided in the budget.</p>		Charter amendment required.
<p>Anne Arundel Art. 4. § 4-101. (a) Fifty percent of the fines imposed and recognizances forfeited to the Circuit Court for the County shall be paid to the Clerk of the Circuit Court and expended under the direction of the judges of the Circuit Court for: (1) the augmentation of the library of the Court, including the purchase of books as the Court finds necessary and proper; and (2) for other purposes or expenses connected with the operation of the Court, as the judges of the Circuit Court find necessary and proper, including the refurbishing or repairing of furniture in the courtrooms and library.</p>	Proposed CJ § 7-507(c)(2)	
<p>Anne Arundel Art. 11 § 6-102. (e) All fines, penalties, or forfeitures collected by the District Court for violations enforced by the issuance of citations under this section shall be remitted to the County.</p>		FYI
<p>Anne Arundel Art. 16 § 4-101. (a) In this title the following words have the meanings indicated. (b) "Bond" means a corporate or individual bond or any form of collateral, including cash. (c) "Bondsman" means a person engaged in the business or activity of becoming a surety for compensation on bonds in criminal cases and the person's agent, employee, or representative.</p>	Delete	Covered by proposed IN § 10-301

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Current Law	Disposition	Comment
<p>Anne Arundel Art. 16 § 4-102. (a) This title does not affect the right of an individual to be a recognizer for that individual on the posting of proper security.</p>	<p>Proposed IN §§ 10-302 and 10-306(b)(1)</p>	
<p>Anne Arundel Art. 16 § 4-102. (b) Each person who pledges security for bail, including the bond of a corporate surety licensed by the State Insurance Commissioner, and obtains compensation for pledging security, is considered to be engaged in the business or activity of becoming surety for compensation on bonds in criminal cases, and as such, shall comply with the regulatory and penal provisions of this title.</p>	<p>Delete</p>	<p>Covered by proposed IN §§ 10-301(f)(2) and 10-306</p>
<p>Anne Arundel Art. 16 § 4-102. (c) Except for the licensing provisions, provisions of this title that define criminal offenses or impose criminal penalties are effective without exception as to all bondsmen.</p>	<p>Delete</p>	
<p>Anne Arundel Art. 16 § 4-103. An alphabetically arranged list of persons licensed under this title shall be posted in a conspicuous place in each police station, the sheriffs office, the detention center, and every other place in which persons in custody of the law are detained. Whenever a person who is detained in custody requests the name of a bondsman or to be put in communication with a bondsman, the list shall be furnished to that person.</p>	<p>Delete</p>	<p>Covered by proposed IN § 10-303 and proposed Rule 4-217(d).</p>
<p>Anne Arundel Art. 16 § 4-201. (a) Except as provided in subsection (b) of this section, a person may not engage in the business or activity of becoming a surety for compensation on bonds in criminal cases, and an agent, employee, or representative of such a person may not participate in the solicitation of such business or activity without a license issued by the Director. (b) A license is not required for: (1) a motor vehicle liability insurance company or carrier or of a bona fide and recognized automobile club or association that may secure or advise as to a bond for one of its customers or members as an incidental part of its main functions; (2) an insurance company or agent for an insurance company authorized by the State Insurance Division that has capital stock of not less than \$500,000 and approved assets of at least \$500,000 in excess of its capital stock reserves, and all other liabilities; or (3) corporate sureties licensed by the State Insurance Commissioner and their agents and employees who conduct, operate, or participate in the conduct or operation of the business or activity of becoming surety for compensation in criminal cases strictly and exclusively as an agent, officer, employee, or representative of a corporate surety licensed by the State Insurance Commissioner. (c) If applicable State law is changed so as to permit the licensing of corporate sureties by political subdivisions of the State, then those corporate sureties and their agents and employees engaged as bondsmen in this County shall be required to obtain such a license without further legislative action.</p>	<p>Delete</p>	<p>Covered by proposed IN § 10-306(a). Query: Do any of the exemptions need to be incorporated?</p>

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Current Law	Disposition	Comment
<p>Anne Arundel Art. 16 § 4-202. The annual fee for the license required by this title is \$1,000 for a person engaged in the business or activity as principal and \$500 for a person engaged as an agent, representative, or employee of a principal.</p>	Delete	Covered by proposed IN § 2-112.
<p>Anne Arundel Art. 16 § 4-203. The Director shall refer applicants to the Police Chief for investigation of the applicant's character. The Police Chief shall submit the results of the investigation to the Director, along with a recommendation as to whether the applicant should be accepted. The Director shall deny a license to an applicant whenever the Director finds that the applicant is not an individual of good moral character.</p>	Delete	Covered by current IN § 10-104(c).
<p>Anne Arundel Art. 16 § 4-204. A license issued in accordance with this title may be suspended or revoked whenever the Director finds that:</p> <ul style="list-style-type: none"> (1) the licensee is not an individual of good moral character; (2) the licensee has violated this title; (3) the licensee has violated the rules and regulations adopted in respect to the conduct of bondsmen by the United States District Court for the District of Maryland, the Court of Appeals of Maryland, and the State Insurance Commissioner; (4) the licensee has made a false statement or a material misstatement concerning information required to be submitted by him to the Director; (5) the licensee has been suspended or disqualified from giving bail by the United States District Court for the District of Maryland, the District Court for the County, or by other proper authorities in the State; or (6) the licensee is in default of satisfying a forfeiture of a bail bond. 	Delete	Covered by current IN § 10-126.
<p>Anne Arundel Art. 16 § 4-205. (a) Before denying, revoking, or suspending a license, the Director shall give notice to the applicant or licensee specifying the reason for the proposed action. The notice shall direct the applicant or licensee to appear before the Director at a time to show cause why the license should not be denied, suspended, or revoked. On failure or refusal of the applicant or licensee to appear or based on findings at the hearing, the Director may issue an order or notice denying, suspending, or revoking the license. An order or notice by the Director shall be served on the applicant or licensee by certified mail at the address shown on the license application or by personal delivery. Whenever the applicant or licensee cannot be found, the Director may post a copy of the order or notice on the County Courthouse door. (b) A person aggrieved by any decision or action of the director in denying, suspending, or revoking a license required by § 4-204 of this subtitle may appeal to the County Board of Appeals by filing a written application within 30 days after the effective date of the action or decision.</p>	Delete	Covered by current IN §§ 2-210 - 2-214.

Current Law	Disposition	Comment
<p>Anne Arundel Art. 16 § 4-206. (a) Persons licensed under this title shall keep a monthly cumulative record on forms obtained from the Director of:</p> <ol style="list-style-type: none"> (1) the amount of bail pledged; (2) the type of security for bail posted; (3) The total amount of compensation charged by the licensee and bondsman; (4) the amount of money or other property actually received as compensation from the principal; (5) the name and address of the principal; (6) the date the security for bail was posted; (7) the court in which the security for bail was posted; (8) the name and address of the attorney representing the principal at the time the security is posted; and (9) the amounts of bail for which each piece of real property of the licensees and bondsmen has been pledged as security showing the date of termination of the obligation and the current balance authorized by the Director to be pledged on each property. <p>(b) The records required by subsection (a) of this section shall be produced for inspection on request by the Director or by authorized agents, investigators, or employees of the Director.</p> <p>(c) On or before the fifth day of each month, each licensee and each bondsman shall file a monthly report of information required by subsection (a) of this section with the Director.</p> <p>(d) Within 48 hours after posting collateral or bail with the clerk or officer authorized by a court to accept it, each person licensed under this title and each bondsman shall mail a copy of the surety bond, receipt or other document pertaining to the form and amount of collateral to the Director.</p>	Delete	Covered by proposed IN § 10-318, per COMAR 31.03.05.08 requiring daily records and current IN §§ 2-205 to 2-209 as to examinations.
<p>Anne Arundel Art. 16 § 4-301. A person licensed under this title may not maintain an office with a door that is within 600 feet of the door of a place of detention from which a person under arrest may be released on bail, unless the office was in existence on January 1, 1965. An office may not be relocated with the relocation of a place of detention so as to be within the 600-foot restriction.</p>	Proposed IN § 10-327	Query: Do zoning or other laws render this unnecessary?
<p>Anne Arundel Art. 16 § 4-302. (a) A person licensed under this title may not charge as compensation for a bail bond more than 10% of the total bail set by the court or \$25, whichever is greater.</p>		Covered by proposed IN § 10-328(a).
<p>Anne Arundel Art. 16 § 4-302. (b) A bondsman may not charge, accept, or receive any thing of value other than the regular fee for bonding for executing a bond or performing another service in connection with an indictment, information, or charge on which the person is bailed or held.</p>	Proposed IN § 10-328(b)	Query: Should this prohibition be Statewide?

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Current Law	Disposition	Comment
<p>Anne Arundel Art. 16 § 4-303. (a) A bondsman may not give, donate, lend, contribute, or promise to give, donate, loan, or contribute money, property, entertainment, or other thing of value to an attorney-at-law, police officer, sheriff, jailer, probation officer, clerk, or other attache of any court having criminal jurisdiction in the County, public official or employee of any character for procuring or assisting in procuring a person to employ the bondsman to execute as surety any bond for compensation in a criminal case.</p>	<p>Proposed IN §§ 10-330(a)(2) and 10-331(b)(2)</p>	<p><u>Query:</u> Should this prohibition be Statewide?</p>

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Current Law	Disposition	Comment
<p>Anne Arundel Art. 16 § 4-303. (b) An attorney-at-law, police officer, sheriff, jailer, probation officer, clerk, bailiff, or other attache of any court having criminal jurisdiction in the County or public official or employee may not accept or receive from any such bondsman any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal court.</p>	<p>Proposed IN §§ 10-330(a)(3) and 10-331(b)(3)</p>	<p>Query: Should this prohibition be Statewide?</p>
<p>Anne Arundel Art. 16 § 4-304. A bondsman may not directly or indirectly procure, suggest, aid in the procurement of, or the obtaining or employing of an attorney-at-law for any person in a criminal case.</p>	<p>Proposed IN § 10-331(a)(2)</p>	<p>Query: Should this prohibition be Statewide?</p>
<p>Anne Arundel Art. 16 § 4-305. A bondsman may not settle or attempt to settle or procure or attempt to procure the dismissal of a warrant, indictment, information, or charge against a person in custody or held on bond with any court or with the prosecuting attorney in a court.</p>	<p>Proposed IN § 10-332</p>	<p>Query: Should this prohibition be Statewide?</p>
<p>Anne Arundel Art. 16 § 4-401. A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months or both.</p>	<p>Proposed IN §§ 10-326(a), 10-327(a) and (b), 10-330(a), 10-331(a) and (b) and 10-332</p>	
<p>Baltimore City § 22-13. The Clerk of the Circuit Court for Baltimore City shall have the power at any time to take bail when authorized by the Court, whether the Court is in session or not, and although the defendant is not present or does not join in the recognizance, but in all cases, before bail is taken by the Clerk, the Court shall fix the amount thereof.</p>	<p>Delete</p>	<p>Covered by current and proposed Rule 4-217</p>
<p>Baltimore City § 22-14. Whenever any person charged with a criminal offense desires to be admitted to bail, his recognizor, except as provided for in Section 22-13, shall sign and make oath to an application in which shall be stated the location of his property, his interest therein, its value, ground rent, mortgages, and other recognizances and incumbrances, if any, to which it may be subject, and such other matters as may be inquired of, and required to be inserted in the application by the Clerk to whom such application is made, to enable such Clerk to determine the value of the security offered.</p>	<p>Delete</p>	<p>Covered by current and proposed Rule 4-217.</p>
<p>Baltimore City § 22-15. The Clerk of the Circuit Court for Baltimore City may, when ordered by the Court, admit any person to bail on that person's own recognizance, or may accept a recognizor without stated property qualifications.</p>	<p>Delete</p>	

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Current Law	Disposition	Comment
<p>Baltimore City § 22-16. It shall be sufficient for recognizances taken in the Circuit Court for Baltimore City, when signed by the judge or the clerk thereof, to conform to the following formula: “You and each of you acknowledge yourselves to owe and stand indebted to the State of Maryland in the sum of _____ dollars for the appearance of _____ at this Court on the ____ day of _____ 19__ to answer the charge alleged against that person, and to attend this Court thereafter from day to day until discharged therefrom in due course of law.”</p>	Delete	Covered by current and proposed Rule 4-217.
<p>Baltimore City § 22-17. Every recognizance taken in any criminal proceeding in Baltimore City shall be a lien upon the property of the recognizer mentioned in the recognizer’s application from the date of the acknowledgment of such recognizance, unless such recognizance shall have been acknowledged before a District Court Commissioner or before a court upon writ of habeas corpus, in which it shall be a lien from the time it is filed with the Clerk of the Circuit Court for Baltimore City. When any recognizance is forfeited it shall become a judgment, and shall have all the effects of judgments rendered in civil causes, and may be enforced by execution by order of the State’s Attorney at any time within six years from the date of the forfeiture, and not afterwards.</p>	Delete	
<p>Baltimore City § 22-18. It shall be the duty of the Clerk of the Circuit Court for Baltimore City immediately to record, in a properly indexed book to be provided for that purpose, the names of the persons who have entered into recognizances, the date of the filing of the recognizances with the Clerk of the Court, if such recognizance has been acknowledged before a District Court Commissioner or before some other court upon writ of habeas corpus, the amount thereof, and the date of the acknowledgment of the same; the location of the property mentioned in the application, and when any recognizance shall be forfeited; and when any forfeiture shall be stricken out or discharged, it shall be the duty of the Circuit Court clerk to make an appropriate entry in the recognizance book, showing such disposition of the recognizance or the forfeiture, together with the date thereof.</p>	Delete	Covered by current and proposed Rule 4-217.
<p>Baltimore City § 22-19. Any officer having power to admit to bail may accept as recognizer any bonding, guarantee or trust company incorporated under the laws of the State of Maryland, or under the laws of any State in the United States, and doing business in the City of Baltimore, which is authorized by its charter to become surety on official bonds.</p>	Delete	Covered by proposed Rule 4-217, without requirement of doing business in City.
<p>Baltimore City § 22-20. Any person having power to admit to bail under the provisions of this subtitle may accept the accused as his own recognizer, upon cash or other property owned by him, and upon his conforming otherwise to the provisions of this subtitle.</p>	Delete	Covered by proposed Rule 4-217.

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Current Law	Disposition	Comment
<p>Baltimore City § 22-21. The District Court of Maryland shall not accept bail for persons charged with manslaughter, other than charge for manslaughter arising out of a motor vehicle accident, murder or any offense the punishment for which may be death; such court may, in its discretion, accept the bail for any person charged with the commission of any felony other than those mentioned above; and any misdemeanor the punishment for which may be confinement in the penitentiary; and whenever bail is offered for any person charged with the commission of any misdemeanor other than those already set forth, such Court shall accept the same; provided it is satisfied with the security offered.</p>	Delete	<u>Query:</u> Is this fully superseded?
<p>Baltimore City § 22-22. Whenever a person charged with a bailable, criminal offense before the District Court of Maryland desires to be admitted to bail, his recognizor shall sign and make oath to an application in which shall be stated such matters as may be required of and required to be inserted in such application by the Court to enable it to determine the value of the security offered. Any recognizance acknowledged before such Court shall be good, although the defendant does not join in the same.</p>	Delete	Covered by proposed Rule 4-217.
<p>Baltimore City § 22-23. Whenever any person charged with the commission of a criminal offense is admitted to bail by the District Court of Maryland for appearance in the Circuit Court for Baltimore City, the Clerk of the District Court of Maryland shall forthwith deliver the recognizance to the Clerk of the Circuit Court. Such recognizance shall then become a record of the Circuit Court, and may be forfeited, and the forfeiture may be enforced in the same manner as if recognizance has been taken by the Circuit Court.</p>	Delete	Covered by proposed Rule 4-217(k) as to notification of Maryland Insurance Commissioner.
<p>Baltimore City § 22-24. Whenever any person charged with a criminal offense before the District Court of Maryland is admitted to bail for further hearing, if such person does not appear at such hearing according to the tenor of his recognizance, it may be forfeited. If forfeited, the District Court Clerk shall note the forfeiture on the recognizance, and deliver it to the Clerk of the Circuit Court for Baltimore City. The said forfeited recognizance shall then become a record of the Circuit Court, and shall have the same effect and may be enforced in the same manner as if it had been taken and forfeited by the Circuit Court for Baltimore City.</p>	Delete	Covered by current and proposed Rule 4-217.
<p>Baltimore City § 22-53. In all criminal cases in the said court in which bail shall be forfeited, the person who shall have entered into such recognizance for the appearance of any traverser or prisoner shall be liable forthwith to an attachment for contempt for the nonappearance of said party, which attachment shall be issued by the court in which an indictment against said traverser or prisoner is pending, at the instance of the attorney prosecuting therein.</p>	Delete	Covered by current and proposed Rule 4-217(i).

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Current Law	Disposition	Comment
<p>Baltimore City § 22-54. In all cases in which bail as aforesaid is forfeited, the court may, on the return of said attachment, order the person attached to stand committed until the amount of said recognizance is fully paid and satisfied, or may order said person to be discharged upon the payment of such lesser sum as it shall, in its discretion, deem proper, provided, such sum be not less than the amount of the costs which may have accrued in the case up to the time of passing such order.</p>	Delete	Covered by current and proposed Rule 4-217.
<p>Baltimore County § 24-235. It shall be unlawful for any person towing disabled vehicles to offer to secure or provide bail or to enter into any agreement, oral or written, to secure or provide bail or arrange for the providing of bail to any person involved in a motor vehicle collision or accident in the county, with the exception that this section shall not apply to bona fide automobile clubs, associations, or insurance companies.</p>	Proposed IN § 10-333	Queries: Should this prohibition be (1) Statewide or deleted?
<p>Carroll § 2-104. The County Commissioners of Carroll County are authorized and directed to levy a sum of money for the year nineteen hundred and thirty-seven, and every year thereafter, as in their discretion may be necessary for the maintenance and enlargement of the law library of the Circuit Court for Carroll County, with the moneys to be expended under the direction of any judge or judges of the Circuit Court for Carroll County.</p>		Probably obsolete in light of current CJ § 7-507(c)(2).
<p>Cecil § 10-3. One-half (½) of all fines and penalties hereafter paid, imposed by the Circuit Court for Cecil County, upon any person or persons convicted in said Court of any crime, and one-half (½) of all forfeitures that may be collected by said court by judgment or decree of said Court, shall be paid to the Cecil County Bar and Law Library Association, Inc. For the purpose of maintaining the Law Library and for other charitable and educational purposes authorized under Article 38, § 5 of the Annotated Code of Maryland or other applicable law.</p>	Delete	Covered by current CJ § 7-57(c)(3) [proposed CJ § 7-507(c)(5)]
<p>Cecil § 10-6. As soon as said Directors shall have been elected and organized by electing a President, Vice President, Secretary and Treasurer, they shall give notice of the same, in writing, to the Clerk of the Circuit Court for Cecil County, and upon demand of the Treasurer of said Association the said Clerk shall pay to him one-half (½) of all fines or forfeitures received since March 25, 1904, one-half (½) of all fines thereafter received, upon demand of said Treasurer.</p>	Delete	Included for completeness but not bail related. Deletion as obsolete should be recommended to Code Revision to complete 2004 recodification.
<p>Frederick § 2-5-29. The board of county commissioners are hereby authorized and directed to levy such sums of money annually as in their discretion may be necessary for the maintenance and enlargement of the law library of the circuit court for the county. Such moneys shall be expended for such purpose under the direction of any judge of such court.</p>	Delete	Included for completeness, but not bail related and probably should be separate bill. Recommend to Code Revision to complete 2004 recodification.

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Current Law	Disposition	Comment
<p>Garrett § 17-2. The County Commissioners of Garrett County are hereby authorized and directed to pay to the Clerk of the Court, to be expended under the direction of the Judges of said Court for the augmentation, maintenance and upkeep of the library of said Court, the sum of five hundred dollars (\$500.) for the year 1943 and annually thereafter such sums of money as said Judges may from time to time request for the purpose aforesaid, such last-named sums in the aggregate not to exceed in any one (1) year the sum of five hundred (\$500.); provided, however, that such last-named payments shall be made only in the event the amounts received by said Clerk for the aforesaid purposes from fines and forfeitures shall be insufficient for said purposes.</p>	Delete	Included for completeness, but not bail related and probably should be separate bill. Recommend to Code Revision to complete 2004 recodification.
<p>Harford § 237-14. It shall be unlawful for any person towing disabled vehicles to offer to secure or provide bail or to enter into any agreement, oral or written, to secure or provide bail or arrange for the providing of bail for any person involved in a motor vehicle collision or accident in the county, with the exception that this section shall not apply to bona fide automobile clubs, associations, or insurance companies.</p>	Proposed IN § 10-333	Query: Should this prohibition be (1) Statewide or (2) deleted?
<p>Howard § 7.400. The County Council of Howard County is hereby authorized and directed to appropriate annually, for the maintenance and support of the Howard County Bar Library, the sum of two thousand dollars (\$2,000.00), payable quarterly to the Clerk of the Circuit Court for Howard County.</p>	Proposed CJ § 7-507(c)(10)	Included for completeness, but not bail related and probably should be separate bill. Recommend to Code Revision to complete 2004 recodification.
<p>Howard § 24.108. IV. All fines, penalties or forfeitures collected by the district court for violations shall be sent to the Director of Finance of Howard County</p>		FYI Query: Has this be superseded?
<p>Kent § 17-1. The County Commissioners of Kent County shall appropriate the sums necessary for the support and maintenance of the Kent County Bar Library.</p>	Proposed CJ § 7-507(c)(11)	Included for completeness, but not bail related and probably should be separate bill. Recommend to Code Revision to complete 2004 recodification.
<p>Montgomery § 12-1. The county council is hereby authorized to levy and appropriate annually such funds as it may determine, for the maintenance of the circuit court law library at Rockville, in the county.</p>	Proposed CJ § 7-507(c)(12)	Included for completeness, but not bail related and probably should be separate bill. Recommend to Code Revision to complete 2004 recodification.
<p>Montgomery § 12-25. The business of becoming surety for compensation upon bonds in criminal cases in the county is impressed with a public interest.</p>	Delete	

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Current Law	Disposition	Comment
<p>Montgomery § 12-26. It shall be unlawful for any person engaged either as principal or as the clerk, agent or representative of a corporation, or another person in the business of becoming surety upon bonds for compensation in the county, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, loan or contribute any money, property, entertainment or other thing of value whatsoever to any attorney at law, police officer, sheriff, jailer, probation officer, clerk or other attache of a criminal court, or public official of any character, for procuring or assisting in procuring, any person to employ such bondsman to execute as surety any bond for compensation in any criminal case in the county. It shall be unlawful for any attorney at law, police officer, sheriff, jailer, probation officer, clerk, bailiff or other attache of a criminal court or public official of any character, to accept or receive from any such person engaged in the bonding business any money, property, entertainment or other thing of value whatsoever for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal case in the county.</p>	<p>Proposed IN § 10-331</p>	<p>Queries: Should this prohibition be (1) Statewide or (2) deleted.</p>
<p>Montgomery § 12-27. It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate or contribute any money, property, entertainment or other thing of value whatsoever to, or to split or divide any fee or commission with, any bondsman, the agent, clerk or representative of any bondsman, police officer, sheriff, probation officer, assistant probation officer, bailiff, clerk or other attache of any criminal court for causing or procuring or assisting in causing or procuring any person to employ such attorney to represent him in any criminal case in the county.</p>	<p>Delete</p>	<p>Should be codified with lawyer provisions if necessary to retain.</p>
<p>Montgomery § 12-28. It shall be lawful to charge for executing any bond in a criminal case in the county, and it shall be unlawful for any person engaged in the bonding business, either as principal, or clerk, agent, or representative of another, either directly or indirectly, to charge, accept, or receive any sum of money, or other thing of value, other than the regular fee for bonding, from any person for whom he has executed bond for any other service whatever performed in connection with any indictment, information or charge upon which such person is bailed or held in the county. It also shall be unlawful for any person engaged either as principal or as agent, clerk or representative of another in the bonding business, to settle or attempt to settle, procure or attempt to procure the dismissal of any indictment, information or charge against any person in custody or held upon bond in the county, with any court, or with the prosecuting attorney in any court in the county.</p>	<p>Proposed IN §§ 10-328(a), 10-330(a)(2), and 10-332</p>	

Current Law	Disposition	Comment
<p>Montgomery § 12-29. A typewritten or printed list alphabetically arranged of all persons engaged under the authority of the circuit court for the county in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner’s dock, house of detention, and every other place in such county in which persons in custody of the law are detained, and one (1) or more copies thereof kept on hand. When any person who is detained in custody in any such place of detention shall request any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, such list shall be furnished to the person so requesting, without recommendation. It shall be the duty of the person in charge of such place of detention within a reasonable time to put the person so detained in communication with the bondsman so elected, and the person in charge of such place of detention shall contemporaneously with the transaction make in the blotter or book of record kept in any such place of detention, a record showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested and the person by whom such bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered.</p>	Delete	Covered by current and proposed Rule 4-217 and proposed IN § 10-303.
<p>Montgomery § 12-30. All persons engaged in the business of becoming surety upon bonds for compensation in criminal cases shall on June 30, 1945 and on June 30 of each succeeding year, submit a report, under oath, to the circuit court for the county showing the total amount of bonds outstanding together with total assets. The making of a false statement in the annual financial report shall constitute a violation of this chapter. The circuit court for the county shall pass rules and regulations governing the operation of such business and may, upon consideration of the financial responsibility of the persons required to make a report, prohibit any person from further engaging in such business in the county.</p>	Delete	Covered by proposed IN § 10-318, per COMAR 31.03.05.08 requiring daily records and current IN §§ 2-205 to 2-209 as to examinations.
<p>Montgomery § 12-31. Every person who becomes surety upon bonds for compensation in criminal cases shall, within twenty-four (24) hours after becoming surety, mail a copy of the surety bond to the office of the state’s attorney for the county.</p>	Delete	Covered by proposed Rule 4-217(k).
<p>Montgomery § 12-32. (a) The clerk of the circuit court for Montgomery County shall appoint a clerk to serve as central bail bond clerk for the circuit court and district court for Montgomery County. The central bail bond clerk shall serve at the pleasure of the clerk of the circuit court of Montgomery County and shall be paid such compensation as provided for in said clerk’s budget. The duties of the central bail bond clerk shall include those set forth in this article, and such additional duties as assigned by the clerk of the circuit court or by the administrative judges of the said courts. The bail bond clerk shall give bond for the faithful performance of his duties in the amount of one hundred thousand dollars (\$100,000.00).</p>	Delete	

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Current Law	Disposition	Comment
<p>Montgomery § 12-32. (b) The central bail bond clerk shall maintain all bond agreements and shall be responsible for the funds deposited with the court attendant to such bond agreements. Bail bond agreements and depository funds attendant thereto shall be transmitted to the central bail bond clerk by the judges and clerks of the Montgomery County circuit courts and judges, clerks and commissioners of the Montgomery County district courts. The central bail bond clerk shall keep separate indexes and record books; one (1) for the bonds posted at the district court level and one (1) for the bonds posted at the circuit court level. The central bail bond clerk shall refund all monies upon the satisfaction of the conditions of a bond. The central bail bond clerk shall report periodically to the circuit court and to the district court the status of all outstanding bonds and the bond liabilities of all persons engaged in the business of being surety upon bonds for compensation as set forth in this article.</p>	Delete	
<p>Montgomery § 12-33. (a) A judge of the circuit court, a judge of the district court or a commissioner of the district court, may, unless otherwise prohibited by law or rule of court in any criminal or motor vehicle violation, release the defendant on his person recognizance.</p>	Delete	Covered by proposed Rule 4-217.
<p>Montgomery § 12-33. (b) In all criminal or motor vehicle violations for which bond has been set, it may be complied with by a defendant or by a private surety acting in his behalf, by the execution of a bond in the face amount thereof and depositing with the clerk of the court or the committing magistrate a sum of money equal to ten (10) percent of the penalty of the bond. A judge or commissioner may increase the percentage of cash surety required in a particular case up to one hundred (100) percent, but in no event shall a cash deposit be less than twenty-five dollars (\$25.00). This provision permitting the posting of a percentage of the cash surety required does not apply if the defendant has been arrested for failure to appear in court or for contempt of court. Upon depositing the sum and executing the bond, the person shall be released from custody, subject to the conditions of the said bond. When all conditions of the bond have been performed without default and the defendant has been released from custody in the cause for which the bond was posted, the central bail bond clerk shall return the amount deposited to the person entitled thereto. If the defendant fails to perform any or all of the conditions of the bail bond, it shall be forfeited; and in the event of forfeiture, the liability of the bond shall extend to the full amount of the penalty of the bond set and the amount previously posted as a deposit shall be applied to reduce the liability incurred by the forfeiture.</p>	Delete	Covered by proposed Rule 4-217.

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Current Law	Disposition	Comment
<p>Montgomery § 12-34. (a) Any person who owns real estate in Montgomery County may post a property bond. Before the clerk of the circuit court or his deputy or the administrative clerk of the district court or his deputy shall approve or accept such bond, a search of the records of the circuit court, including liens and judgments pertaining to the realty to be offered as security, shall be made by the central bail bond clerk or his designee. Reasonable court costs may be assessed for such search to be paid by the person offering the security. In the absence of negligence or willful dereliction, no clerk or deputy shall be personally liable for any loss sustained upon forfeiture of a property bond. Once the property bond has been posted, the central bail bond clerk shall record the amount of the bond as a lien against the real estate of the person offering the security in Montgomery County.</p>	Delete	Covered by proposed Rule 4-217 and proposed IN § 10-306.
<p>Montgomery § 12-34. (b) Nothing in this article shall affect the right of any person to be his own recognizance upon the posting of proper security.</p>	Proposed IN §§ 10-302 and 10-306(b)(1)	
<p>Montgomery § 12-34A. The clerk of the circuit court for Montgomery County or the administrative clerk of the district court for Montgomery County shall have the power at any time to take bond when authorized by such court, whether the court is in session or not, but in all court cases before bail or bond is taken by the said clerks, a judge or commissioner shall fix the amount thereof.</p>	Delete	Covered by current and proposed Rule 4-217(c).
<p>Montgomery § 12-35. In all criminal or motor vehicle violations in Montgomery County, all bonds shall be executed so as to guarantee the appearance of the defendant at all stages of the proceeding in the district court and the circuit court.</p>	Delete	Covered by current and proposed Rule 4-217(f).
<p>Montgomery § 12-35A. Once a judge of the circuit court or a judge of the district court has set a bond, no judge shall increase the bond without good cause being shown to warrant said increase upon a motion of the state's attorney of Montgomery County. Nothing contained herein shall limit the power of a judge of the circuit court or a judge of the district court at any stage of the proceedings to reduce the amount of said bond.</p>	Delete	Covered by current and proposed Rule 4-217(i)1, although without requirement for motion by State's attorney.
<p>Montgomery § 12-35B. The premium or compensation for becoming a surety on a bond shall not exceed five (5) percent of the amount of such bond where the offense charged is a misdemeanor. The premium or compensation for becoming a surety on a bond shall not exceed eight (8) percent of the amount of such bond where the offense charged is a felony.</p>	Delete	Covered by proposed IN § 10-327(a).

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Current Law	Disposition	Comment
<p>Montgomery § 12-35C. (a) Any judge of the circuit court or judge of the district court, or commissioner of the district court or sheriff, deputy sheriff or clerk of any court of Montgomery County receiving or accepting bonds shall forward, within twenty-four (24) hours, copies of all bonds of those persons arrested in Montgomery County to the central bail bond clerk.</p>	Delete	Covered by proposed Rule 4-217(k) as to notification of Maryland Insurance Commissioner.
<p>Montgomery § 12-35C. (b) Those persons who are arrested in Montgomery County for a criminal offense for which the setting of bond is required by law shall be taken as soon as possible before a judge of the circuit court or a judge of the district court or a commissioner of the district court in order that bond may be set.</p>	Delete	Covered by current Rule 4-216.
<p>Montgomery § 12-35C. (c) The central bail bond clerk shall keep a properly indexed record of each defendant for whom a bail bond is received and accepted as aforesaid, the number of the case, indictment, information or warrant, the crime or crimes charged, the amount and type bond and any forfeiture thereof; and it shall be the duty of said central bail bond clerk to enter on writs and process directed to him, affecting a defendant for whom a bail bond has been received and accepted as aforesaid, whether or not the bond of the defendant is in full force and effect or has been forfeited.</p>	Delete	
<p>Prince George's § 7-109. In Prince George's County, notwithstanding the provisions of any other law, one-half of the fines imposed by and recognizances forfeited to the circuit court for Prince George's County, Maryland, or the several justices of the peace at large for said county, designated as judges of the people's court for Prince George's County, other than fines imposed and recognizances forfeited with relation to the "Motor Vehicle Laws"[,] the laws respecting "Wild Fowl-Birds and Game" and "Fish and Fisheries," and unless directed to be paid otherwise by the law imposing them and excepting fines for the violation of ordinances of any incorporated municipality of Prince George's County, but including, however, fines and forfeitures for offenses at common law, shall within thirty days from the date of collection thereof, be paid to the county commissioners for Prince George's County to become part of the general fund. The county commissioners for Prince George's County shall expend annually such sum as they determine to be necessary for augmentation of said library in the procurement of additional books, publications, material or fixtures for use therein, as may be directed by the judges of said court from time to time; and in addition to the amount herein-above provided for augmentation of such library a sum annually in accordance with salary scales for comparable employment as established by the Prince George's County Personnel Board for the payment of a salary or other compensation to a court librarian to be appointed by the judges of said court from time to time.</p>	Delete	Covered by current CJ § 7-507(b), which is not limited as to to specific offenses.

Current Law	Disposition	Comment
<p>Washington § 3-202. (a) Within 90 days from the conviction and sentence of any prisoner by the Circuit Court for Washington County, when the penalty is a fine and costs imposed by the court or the prisoners [sic] committed into the hand of the Sheriff until the fine and costs are paid, the Sheriff shall make a return to the Clerk of the Circuit Court for Washington County in each case, on the criminal docket of the court, as follows: When the fine and cost imposed shall be collected by the Sheriff, viz.: "Fine and costs paid and prisoner discharged". (c) The Sheriff shall make returns within the same time to the Clerk of the Court from the date of the forfeiture of all recognizance at any and all times of the court in each case as follows: "Amount of bond collected," or what disposition the Sheriff has made of the forfeited recognizance. (d) Each of the returns shall be signed by the Sheriff of the county, and the Clerk of the Court shall note upon the criminal docket in each case the returns thus made to the Clerk of the Court by the Sheriff of the County. (e) On the failure of the Sheriff to make the returns as required by this section, the prisoner is guilty of a misdemeanor and shall be fined for each offense not more than \$500 to be imposed by the Circuit Court for Washington County and collected as are other fines.</p>		<p>Query: Does subsection (c) need to be amended?</p>
<p>Washington § 3-501. (a) The County Commissioners shall pay to the Clerk of the Court, to be expended under the direction of the Judges of the Court for the augmentation, maintenance, and upkeep of the bar library, sums of money that the Judges request. (b) Any payments shall be made only if the amounts received by the Clerk for the purposes specified in this section from fines and forfeitures, as provided by Article 38, Sec. 5 of the Annotated Code are insufficient for those purposes.</p>	<p>Proposed CJ § 7-507(c)(14)</p>	<p>Included for completeness, but not bail related and probably should be separate bill. Recommend to Code Revision to complete 2004 recodification.</p>

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Current Law	Disposition	Comment
<p>Wicomico § 218-2. Every vagabond, habitual beggar, vagrant or fortune-teller mentioned in §§ 218-1 of this chapter, upon conviction before the Circuit Court for Wicomico or Somerset Counties, or before any Justice of the Peace having criminal jurisdiction, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars (\$25.) nor more than one hundred dollars (\$100.) or be confined in the Maryland House of Correction for a period of not less than two (2) months nor more than six (6) months, or both fine and imprisonment, within the discretion of the Circuit Court or the Justice of the Peace, provided that any person found to be a vagabond or an habitual beggar who may not be able-bodied, but aged or infirm or seriously crippled, may, in the discretion of the Court or Justice of the Peace, be committed to the almshouse or be paroled, and provided also that any minor committed under this chapter may be sent to any reformatory institution to which minors may be committed under Article 27 of the Code of Public General Laws of Maryland or paroled in the discretion of the Court or Justice of the Peace; provided, however, that if any person when brought before any such Justice of the Peace having jurisdiction in the case shall, before trial for the alleged offense, pray a jury trial, or if the state's attorney for the county shall before trial pray a jury trial on the part of the state, it shall be the duty of said Justice to commit such alleged offender for trial, or to hold him to bail to appear for trial in the Circuit Court of Wicomico or Somerset Counties at its then or next session and to return said commitment or recognizance, with the names and residences of the witnesses for the prosecution endorsed thereon, forthwith to the Clerk of said Court; and the Justice of the Peace before whom the accused is brought to trial shall, prior to the beginning of the trial, inform him or her of his or her right to a jury trial.</p>		<p>FYI but obsolete statutory citations.</p>