

Senate Bill 409

By: Senator Tanksley of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds
2 and recognizances, so as to provide for conditions under which no judgment shall be
3 rendered in an appearance bond; to provide for no judgment or a reduced judgment resulting
4 from a principal's failure to appear when notice to the surety has not been served within
5 certain time limits; to provide for credits or vouchers for bonding companies under certain
6 circumstances; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and
11 recognizances, is amended by adding a new subsection (g) to Code Section 17-6-31, relating
12 to surrender of principal by surety, forfeiture of bond, and death of principal, to read as
13 follows:

14 "(g) No judgment shall be rendered on any appearance bond for which a district attorney,
15 a prosecuting attorney of a state court, or a judge of a city or state court declines to
16 prosecute or fails to request extradition of the bailee after receiving an affidavit testifying
17 to the location of the principal and written confirmation that the surety will reimburse all
18 reasonable and necessary costs to return the principal to the jurisdiction of the bond
19 obligee."

20 **SECTION 2.**

21 Said chapter is further amended by striking subsection (a) of Code Section 17-6-71, relating
22 to execution hearing on failure of principal to appear, and inserting in its place the following:

23 "(a) The judge shall, at the end of the court day, upon the failure of the principal to appear,
24 forfeit the bond and order an execution hearing not sooner than 120 days but not later than
25 150 days after such failure to appear. Notice of the execution hearing shall be served within

1 ten days of such failure to appear by certified mail or statutory overnight delivery to the
2 surety at the address listed on the bond or by personal service to the surety within ten days
3 of such failure to appear at its home office or to its designated registered agent. Service
4 shall be considered complete upon the mailing of such certified notice. If notice to the
5 surety of the principal's failure to appear is not served within ten days of such failure to
6 appear, any judgment resulting from the failure to appear shall be reduced in proportion to
7 the delay in notice. If service is not completed by the one hundredth day after the
8 principal's failure to appear, no judgment shall be rendered."

9 **SECTION 3.**

10 Said chapter is further amended by adding a new subsection (e) to Code Section 17-6-72,
11 relating to conditions not warranting forfeiture of bond for failure to appear and remission
12 of forfeiture, to read as follows:

13 "(e) When a bonding company can demonstrate an effort to apprehend or assist in the
14 apprehension of a fugitive who is eventually brought back to jail or tendered to justice in
15 a manner in compliance with applicable laws, the bonding company shall receive a credit
16 or voucher in the full amount of the sums previously paid by the bonding company to
17 satisfy any and all judgments caused by the apprehended fugitive's failure to appear in
18 court from the jurisdiction or jurisdictions that received such payments. A voucher or
19 credit may be tendered as payment in whole or in part at the issuing jurisdiction to satisfy
20 any forfeiture judgment or judgments due in such jurisdiction from any professional
21 bonding company."

22 **SECTION 4.**

23 All laws and parts of laws in conflict with this Act are repealed.