

House Bill 1206 (COMMITTEE SUBSTITUTE)

By: Representatives Buck of the 112th and Powell of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-11-8 of the Official Code of Georgia Annotated, relating to
2 persons who may not engage in the bail bond business, so as to change the classes of persons
3 so prohibited; to allow attorneys to have an ownership interest in a bail bond business; to
4 prohibit attorneys from engaging in the day-to-day operation of a bail bond business; to
5 prohibit attorneys from representing clients who obtain bond from a bail bond business in
6 which the attorney has an ownership interest; to provide for a criminal penalty; to provide
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 45-11-8 of the Official Code of Georgia Annotated, relating to persons who
11 may not engage in the bail bond business, is amended, by striking the Code section in its
12 entirety and inserting the following in place thereof:

13 "45-11-8.

14 ~~(a) It shall be unlawful for any elected official, officer of the court, law enforcement~~
15 ~~officer, or attorney in this state to engage either directly or indirectly in the bail bond~~
16 ~~business.~~

17 (a) It shall be unlawful for the following persons to engage either directly or indirectly in
18 the bail bond business:

19 (1) Elected officials;

20 (2) Jailers or persons employed in any jail;

21 (3) Law enforcement officers or employees of any law enforcement department; or

22 (4) Employees of a court or employees of the clerk of any court.

23 (b) An attorney who has an ownership interest in a bail bond business is not permitted to
24 participate in or be associated with the day-to-day operations of the bail bond business,
25 including but not limited to the charging or collecting of surety fees and the surrender or

1 capture of the principal and may not hold himself or herself out as a signer of sureties of
2 bonds.

3 (c) An attorney may not represent a client in a criminal case in which the bail bond
4 business in which the attorney has an ownership interest has posted the bond for said client;
5 nor may an attorney represent a client in any civil forfeiture matter arising out of the
6 forfeiture of any bond which was posted in the underlying criminal case by the bail bond
7 business in which the attorney has an ownership interest.

8 ~~(b)~~(d) Any person who violates this Code section shall be guilty of a misdemeanor."

9 **SECTION 2.**

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