

House Bill 147 (AS PASSED HOUSE AND SENATE)

By: Representatives Talton of the 145<sup>th</sup>, O'Neal of the 146<sup>th</sup>, Randall of the 138<sup>th</sup>, Lucas of the 139<sup>th</sup>, and Everson of the 106<sup>th</sup>

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 that professional bondsmen shall provide clerks of court  
3 with contact information for purposes of receiving certain notices; to provide that clerks of  
4 court shall maintain such information; to relieve a surety from liability under certain  
5 circumstances; to add a provision relating to conditions not warranting forfeiture of bond for  
6 failure to appear; to provide for related matters; to provide an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and  
11 recognizances, is amended by revising Code Section 17-6-50, relating to persons deemed  
12 professional bondsmen and criminal background investigation, by adding a new subsection  
13 (d) to read as follows:

14 "(d) It shall be the duty of each professional bondsman approved by the sheriff in  
15 accordance with this part to provide the clerk of each court before which one or more of  
16 such professional bondsman's principals are required to appear with the business name,  
17 complete address, telephone number, and e-mail address of the chief operating officer or  
18 his or her designee of such professional bondsman for the purpose of receiving any notices  
19 that may be sent pursuant to Code Section 17-6-71. Each professional bondsman shall  
20 have the duty to keep such information current and accurate. It shall be the duty of each  
21 clerk of court to keep, maintain, and update such information as provided by a professional  
22 bondsman."

23 style="text-align:center">**SECTION 2.**

24 Said chapter is further amended by revising subsection (a) of Code Section 17-6-71, relating  
25 to execution hearing on failure of principal to appear, as follows:

26 "(a) The judge shall, at the end of the court day, upon the failure of the principal to appear,  
27 forfeit the bond and order an execution hearing not sooner than 120 days but not later than  
28 150 days after such failure to appear. Notice of the execution hearing shall be served by  
29 the clerk of the court in which the bond forfeiture occurred within ten days of such failure  
30 to appear by certified mail or ~~statutory overnight delivery~~ by electronic means as provided  
31 in Code Section 17-6-50 to the surety at the address listed on the bond or by personal  
32 service to the surety within ten days of such failure to appear at its home office or to its  
33 designated registered agent. Service shall be considered complete upon the mailing of such  
34 certified notice. Such ten-day notice shall be adhered to strictly. If notice of the execution  
35 hearing is not served as specified in this subsection, the surety shall be relieved of liability  
36 on the appearance bond."

37 **SECTION 2A.**

38 Said chapter is further amended by revising Code Section 17-6-72, relating to conditions not  
39 warranting forfeiture of bond for failure to appear, by adding a new subsection to read as  
40 follows:

41 "(c.1) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown  
42 to the satisfaction of the court that the principal on the bond was prevented from attending  
43 because he or she was deported by federal authorities. An official written notice of such  
44 deportation from a federal official shall be considered proof of the principal's deportation."

45 **SECTION 3.**

46 This Act shall become effective upon its approval by the Governor or upon its becoming law  
47 without such approval.

48 **SECTION 4.**

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