

Senate Bill 411

By: Senators Stone of the 23rd and Shafer of the 48th

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 reduce the cash escrow account or other form of collateral
3 required for professional bonding companies that have continuously operated for more than
4 12 months; to increase fees for sureties; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and
9 recognizances, is amended by revising subparagraph (b)(1)(E) of Code Section 17-6-15,
10 relating to the necessity for commitment where bail tendered and accepted, as follows:

11 "(E) Establishment of a cash escrow account or other form of collateral in a sum and
12 upon terms and conditions approved by the sheriff; provided, however, that for any
13 professional bonding company that has operated continuously for 12 months or longer
14 in a county, such cash escrow account or other form of collateral shall not exceed 5
15 percent of the current outstanding bail bond liability of the professional bonding
16 company;"

17 **SECTION 2.**

18 Said chapter is further amended by revising subsection (a) of Code Section 17-6-30, relating
19 to fees of sureties, as follows:

20 "(a) Sureties on criminal bonds in any court shall not charge or receive more than ~~12~~
21 ~~percent of the face amount of the bond set in the amount of \$10,000.00 or less, which~~
22 ~~amount includes the principal and all applicable surcharges, and shall not charge or receive~~
23 ~~more than 15 percent of the face amount of the bond set in an amount in excess of~~
24 ~~\$10,000.00, which amount includes the principal and all applicable surcharges, as~~
25 compensation from defendants or from anyone acting for defendants; provided, however,

26 that a surety may charge and receive a minimum of \$100.00 per bonded charge or offense
27 as compensation, regardless of whether such compensation exceeds 15 percent of the face
28 amount of any bond set."

29

SECTION 3.

30 All laws and parts of laws in conflict with this Act are repealed.