

Senate Bill 195

By: Senators Williams of the 27th, Stone of the 23rd, Ligon, Jr. of the 3rd, Hill of the 4th and Gooch of the 51st

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 increase fees allowed for continuing education programs; to
3 require bench warrants to be issued at the end of each court day; to provide for notices to be
4 delivered and obtained using e-mail; to change provisions relating to principals who do not
5 appear for court; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

9 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and
10 recognizances, is amended by revising subsection (b) of Code Section 17-6-50.1, relating to
11 continuing education programs for professional bondsmen and fees, as follows:

12 "(b) The fee for continuing education programs for professional bondsmen shall not exceed
13 ~~\$125.00~~ \$250.00 annually."

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

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

17 "(a) The judge shall, at the end of the court day, upon the failure of the principal to appear,
18 forfeit the bond, issue a bench warrant for the principal's arrest, and order an execution
19 hearing not sooner than 120 days but not later than 150 days after such failure to appear.
20 Notice of the execution hearing and a copy of the bench warrant shall be served by the
21 clerk of the court in which the bond forfeiture occurred within ten days of such failure to
22 appear by certified mail or by electronic means as provided in Code Section 17-6-50 to the
23 surety at the address listed on the bond or by personal service to the surety within ten days
24 of such failure to appear at its home office or to its designated registered agent. Service
25 shall be considered complete upon the mailing of such certified notice. Such ten-day notice
26 shall be adhered to strictly. If notice of the execution hearing is and a copy of the bench

27 warrant are not served as specified in this subsection, the surety shall be relieved of liability
28 on the appearance bond."

29 **SECTION 3.**

30 Said chapter is further amended by revising subsections (b) through (c.1) of Code Section
31 17-6-72, relating to conditions not warranting forfeiture of bond for failure to appear, as
32 follows:

33 "(b) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown
34 to the satisfaction of the court that the principal on the bond was prevented from attending
35 because he or she was detained by reason of arrest, sentence, or confinement in a penal
36 institution or jail in the State of Georgia, or so detained in another jurisdiction, or because
37 he or she was involuntarily confined or detained pursuant to court order in a mental
38 institution in the State of Georgia or in another jurisdiction. An official written notice of
39 the holding institution in which the principal is being detained or confined shall be
40 considered proof of the principal's detention or confinement ~~and such.~~ Such notice may
41 be sent from the holding institution by mail or e-mail or delivered by hand or by facsimile
42 machine. Upon the presentation of such written notice to the clerk of the proper court, the
43 prosecuting attorney, and the sheriff or other law enforcement officer having jurisdiction
44 over the case, along with a letter of intent to pay all costs of returning the principal to the
45 jurisdiction of the court, such notice and letter shall serve as the surety's request for a
46 detainer or hold to be placed on the principal. Should there be a failure to place a detainer
47 or hold within ten business days of the surety's service of a detainer or hold request, and
48 after such presentation of such notice and letter of intent to pay costs, the surety shall then
49 be relieved of the liability for the appearance bond without further order of the court.

50 (c) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown to
51 the satisfaction of the court that prior to the entry of the judgment on the forfeiture the
52 principal on the bond is in the custody of the sheriff or other responsible law enforcement
53 agency. An official written notice of the holding institution in which the principal is being
54 detained or confined shall be considered proof of the principal's detention or confinement
55 ~~and such.~~ Such notice may be sent from the holding institution by mail or e-mail or
56 delivered by hand or by facsimile machine. Upon presentation of such written notice to the
57 clerk of the proper court, the prosecuting attorney, and the sheriff or other law enforcement
58 officer having jurisdiction over the case along with a letter of intent to pay all costs of
59 returning the principal to the jurisdiction of the court, such notice and letter shall serve as
60 the surety's request for a detainer or hold to be placed against the principal. Should there
61 be a failure to place a detainer or hold within ten business days of the surety's service of
62 a detainer or hold request, and after presentation of such notice and letter of intent to pay

63 costs, the surety shall then be relieved of the liability for the appearance bond without
64 further order of the court.

65 (c.1) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown
66 to the satisfaction of the court that the principal on the bond was prevented from attending
67 because he or she was deported or removed from the United States by federal authorities.
68 Official documentation ~~An official written notice of such deportation~~ from a federal
69 ~~official, state, or local government agency~~ shall be considered proof of the principal's
70 deportation or removal. Such documentation may be delivered by mail or e-mail or
71 delivered by hand or by facsimile machine."

72 **SECTION 4.**

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