

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

AS PASSED SENATE

**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 provide for notices to be delivered and obtained using e-mail; to change provisions relating
4 to principals who do not appear for court; 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 subsection (b) of Code Section 17-6-50.1, relating to
10 continuing education programs for professional bondsmen and fees, as follows:

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

13 **SECTION 2.**

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

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

25 If notice of the execution hearing is not served as specified in this subsection, the surety
 26 shall be relieved of liability on the appearance bond."

27 **SECTION 3.**

28 Said chapter is further amended by revising subsections (b) through (c.1) of Code Section
 29 17-6-72, relating to conditions not warranting forfeiture of bond for failure to appear, as
 30 follows:

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

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

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

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

70 **SECTION 4.**

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