

# HB478 INTRODUCED



1 JVGXNF-1  
2 By Representative Stringer  
3 RFD: Judiciary  
4 First Read: 16-May-23  
5 2023 Regular Session



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SYNOPSIS:

Under existing law, the Alabama Bail Reform Act of 1993, defines and provides for the use of bail bonds and the duties and responsibilities of professional bail and professional surety companies.

This bill would provide for the acceptance of certain filing fees by the sheriff or jailer, and would provide further for the definitions of cash bail and property bail.

This bill would provide further for the arrest and delivery of a defendant to jail by a surety with no court costs to be entered on the surety, would provide that a surety not be charged for a bondsman's process or for a certified copy of a bond, and would require the license number of the bondsman or recovery to be listed on a bondsman's process form.

This bill would authorize a surety to sign for a conditional forfeiture notice with the clerk of the ordering court.

This bill would increase the time frame for which the ordering court has jurisdiction over a forfeiture action to one year.

This bill would authorize a bail bondsman to file motions, answers, and notices relating to a defendant who is out on bond with that bondsman.



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29                   This bill would increase the time frames for  
30 notice and conducting hearings in conditional  
31 forfeiture proceedings.

32                   This bill would remove the requirement that a  
33 conditional judgment to set aside shall be made  
34 absolute for the entire sum and would provide further  
35 for instances when a court may set aside forfeiture,  
36 may not release a defendant on judicial public bail,  
37 and eligibility for judicial public bail.

38                   This bill would provide further for the amount  
39 of new corporate surety bonds and escrow agreements  
40 required in counties with populations of 200,000 or  
41 more.

42                   This bill would provide further for criminal  
43 penalties for certain unlawful behavior.

44                   This bill would also make nonsubstantive,  
45 technical revisions to update the existing code  
46 language to current style.

47                   Section 111.05 of the Constitution of Alabama of  
48 2022, prohibits a general law whose purpose or effect  
49 would be to require a new or increased expenditure of  
50 local funds from becoming effective with regard to a  
51 local governmental entity without enactment by a 2/3  
52 vote unless: it comes within one of a number of  
53 specified exceptions; it is approved by the affected  
54 entity; or the Legislature appropriates funds, or  
55 provides a local source of revenue, to the entity for  
56 the purpose.



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57                   The purpose or effect of this bill would be to  
58                   require a new or increased expenditure of local funds  
59                   within the meaning of the amendment. However, the bill  
60                   does not require approval of a local governmental  
61                   entity or enactment by a 2/3 vote to become effective  
62                   because it comes within one of the specified exceptions  
63                   contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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70                   Relating to the Alabama Bail Reform Act of 1993; to  
71                   amend Sections 15-13-107, 15-13-111, 15-13-114, 15-13-118,  
72                   15-13-125, 15-13-128, 15-13-131, 15-13-132, 15-13-134,  
73                   15-13-136, 15-13-137, 15-13-138, 15-13-139, 15-13-140,  
74                   15-13-141, 15-13-145, 15-13-159, 15-13-160, and 15-13-164,  
75                   Code of Alabama 1975, to provide for the acceptance of certain  
76                   filing fees by the sheriff or jailer; to further define cash  
77                   bail and property bail; to provide further for the arrest and  
78                   delivery of a defendant to jail by a surety with no court  
79                   costs to be entered on the surety; to provide that a surety  
80                   not be charged for a bondsman's process or for a certified  
81                   copy of a bond; to require the license number of the bondsman  
82                   or recovery on a bondsman's process form; to allow a surety to  
83                   sign for a forfeiture with the clerk of the ordering court; to  
84                   increase the time frame for which the ordering court has



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85 jurisdiction over a forfeiture action; to authorize a bail  
86 bondsman to file motions, answers, and notices relating to a  
87 defendant who is out on bond with that bondsman; to increase  
88 the time frames for providing notice and conducting hearings  
89 in conditional forfeiture proceedings; to remove the  
90 requirement that a conditional judgment to set aside be made  
91 absolute for the entire sum; to provide further for instances  
92 when a court may set aside forfeiture and may not release a  
93 defendant on judicial public bail; to provide further for  
94 eligibility for judicial public bail; to provide further for  
95 the amount of new corporate surety bonds and escrow agreements  
96 required in counties with populations of 200,000 or more; to  
97 provide further for criminal penalties for certain unlawful  
98 behavior; to make nonsubstantive, technical revisions to  
99 update the existing code language to current style; and in  
100 connection therewith would have as its purpose or effect the  
101 requirement of a new or increased expenditure of local funds  
102 within the meaning of Section 111.05 of the Constitution of  
103 Alabama of 2022.

104 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

105 Section 1. Sections 15-13-107, 15-13-111, 15-13-114,  
106 15-13-118, 15-13-125, 15-13-128, 15-13-131, 15-13-132,  
107 15-13-134, 15-13-136, 15-13-137, 15-13-138, 15-13-139,  
108 15-13-140, 15-13-141, 15-13-145, 15-13-159, 15-13-160, and  
109 15-13-164 of the Code of Alabama 1975, are amended to read as  
110 follows:

111 "§15-13-107

112 (a) Judges of any court within the ~~State of Alabama~~



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113 state may accept, take, and approve bail within the  
114 jurisdiction of their respective courts.

115 (b) Circuit, district, and municipal court clerks,  
116 including magistrates, may accept, take, and approve bail  
117 within the jurisdiction of their respective courts.

118 (c) Only judicial officers and circuit, district, and  
119 municipal court clerks or a designee of the court may accept  
120 and approve appeal bonds and cash bonds. Provided, however,  
121 that any person designated by the court to receive cash bonds,  
122 shall be bonded to receive court ~~moneys~~ monies and have the  
123 written approval of their chief administrative officer. Clerks  
124 of the courts of Alabama may delegate to their employees the  
125 right to accept and approve appeal bonds and cash bonds.

126 (d) Sheriffs of the state and chiefs of police having  
127 custody of a defendant may accept, take, and approve property  
128 or professional surety bail. The authority may be delegated to  
129 their deputies and officers.

130 (e) The judicial officers and persons in subsections  
131 (a), (b), (c), and (d) shall accept and shall release the  
132 defendant when bail meets the requirements as set out in  
133 Division 10, applying to professional surety. The judicial  
134 officers and persons in subsection (c) shall accept, approve,  
135 and release the defendant when the bail meets the requirements  
136 as set out in Division 9, applying to cash bail. The judicial  
137 officers and persons in subsections (a), (b), (c), and (d) may  
138 accept, approve, and release the defendant when the officer or  
139 person, as designated, is of the opinion the bail meets the  
140 requirements as set out in Division 8 of this chapter,



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141 applying to property bail.

142 (f) A sheriff or jailer may accept the filing fee  
143 assessed under subsection (a) of Section 12-19-311, if payment  
144 has been physically attached to the bail bond form at the time  
145 of posting of the bail bond for the release of the defendant.  
146 The clerks may accept business checks, cashiers checks,  
147 certified checks, money orders, or cash. Any check or money  
148 order shall be cashed within 90 days of receipt."

149 "§15-13-111

150 For persons arrested and taken into custody, there  
151 shall be four kinds of bail used in this state. No other form  
152 of bail may be approved and accepted by any judicial officer,  
153 court clerk, magistrate, or any other person designated to  
154 accept and approve bail as stipulated in Division 1, Sections  
155 15-13-100 to 15-13-110, inclusive. The four kinds of bail  
156 shall be judicial public bail, cash bail, property bail, and  
157 professional surety bail. Their definitions are as follows:

158 (1) CASH BAIL. Cash bail is when the defendant or some  
159 person on behalf of the defendant deposits cash in an amount  
160 equal to ~~a part or~~ the total sum of the bail as set by the  
161 judicial officer to the clerk of the court having jurisdiction  
162 over the case. Acceptance of cash bail shall conform to  
163 Division 9.

164 (2) JUDICIAL PUBLIC BAIL. Judicial public bail is the  
165 release of any defendant without any condition of an  
166 undertaking relating to, or a deposit of, security. ~~Such~~  
167 Judicial public bail shall be granted to persons subjected to  
168 custodial arrest only by a judicial officer having



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169 jurisdiction over the defendant and in accordance with the  
170 procedures established in Division 7 ~~of this article~~.

171 (3) PROFESSIONAL SURETY BAIL. Professional surety bail  
172 is when a defendant is released on bail by having a  
173 professional surety or professional bail company execute a  
174 bond on behalf of the defendant and becoming surety on the  
175 bail. ~~Such~~ Professional surety or professional bail companies  
176 shall meet the qualification requirements of Division 10.

177 (4) PROPERTY BAIL. Property bail is when a defendant is  
178 released on bail by having at least one or more real property  
179 owners that own real property in the ~~State of Alabama~~ state,  
180 execute or become bail or surety for the defendant. ~~Such~~  
181 ~~property~~ Real property owners shall qualify and meet  
182 requirements applying to property bail as set out in Division  
183 8."

184 "§15-13-114

185 The obligation of the sureties continues throughout  
186 every stage of trial, from the time the defendant is entered  
187 thereon until the rendition of the verdict by the jury or  
188 judge. The finding of the defendant guilty by a jury or judge  
189 discharges the sureties. The obligation of the sureties are  
190 also discharged when the judge takes any of the following  
191 actions:

192 (1) Sentences the defendant.

193 (2) Grants the prosecutor's motion to nol pros the  
194 case.

195 (3) Dismisses the case.

196 (4) ~~Issuance of~~ Issues any order to the defendant to





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197 attend driving-under-the-influence school, mental health  
198 counseling, mental health court, pretrial diversion, drug  
199 court, veterans court, or any similar order of which the court  
200 would only have had the authority to do so, ~~if there had been~~  
201 ~~an adjudication of guilt or in cases where there has been an~~  
202 ~~adjudication of guilt.~~

203 (5) ~~Issuance of~~ Issues any order of restitution or  
204 payments received from the defendant to the court for fines,  
205 court costs, or restitution when a bail bond is posted before  
206 a case is adjudicated.

207 (6) ~~Announcement or order of~~ Announces or orders  
208 sentence prior to any probation determination."

209 "§15-13-118

210 After the entry of a conditional forfeiture against any  
211 surety on an undertaking of bail, the surety may arrest the  
212 defendant as provided in Section 15-13-117, ~~but~~ and the arrest  
213 and delivery of the defendant to the authorized jail as stated  
214 in Section 15-13-117 shall ~~not~~ exonerate the surety ~~unless, in~~  
215 ~~the judgment of the court, a good and sufficient cause is~~  
216 ~~given for the failure of the defendant to appear at the time~~  
217 ~~the conditional judgement was entered."~~

218 "§15-13-125

219 The clerk of the court having jurisdiction over the  
220 defendant shall issue a bondsman's process to the sureties on  
221 ~~such~~ the bail upon their request. The request may be made by  
222 any one of the sureties. Before the issuance of the process,  
223 the clerk shall determine if the case is still open and the  
224 defendant and the sureties have not been discharged by law. A



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225 surety shall not be charged for the bondsman's process or for  
226 a certified copy of the bond."

227 "§15-13-128

228 The following shall be substantially the form to be  
229 used for a bondsman's process. BONDSMAN'S PROCESS STATE OF  
230 ALABAMA

231 COUNTY OF \_\_\_\_\_.

232 (or)

233 CITY OF \_\_\_\_\_.

234 WHEREAS, the Sureties on the bail of the defendant  
235 \_\_\_\_\_, in case number \_\_\_\_\_, have expressed their desire to  
236 surrender the defendant to the custody of \_\_\_\_\_ of (City or  
237 County), Alabama, and such desire has been expressed to the  
238 clerk of the \_\_\_\_\_ Court of the City/County of \_\_\_\_\_, Alabama,  
239 and,

240 WHEREAS, the clerk has checked the records and case  
241 number \_\_\_\_\_ is still pending and the defendant nor his or her  
242 sureties have been discharged of their obligations, or the  
243 records of case number \_\_\_\_\_ reflect that the defendant has  
244 failed to appear on the obligation of bail as required and a  
245 warrant has been issued for the arrest of the defendant.

246 NOW, THEREFORE, this document is issued, as required by  
247 law, and the document gives the right to the Sureties  
248 (bondsmen) to arrest the defendant, \_\_\_\_\_ at any place in the  
249 State of Alabama, or the sureties may authorize another person  
250 to arrest the defendant by an endorsement in writing on this  
251 document or attached to this document and the surety or  
252 bondsman shall forthwith, after the arrest, take the defendant



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253 to the \_\_\_\_\_ jail of \_\_\_\_\_, custodian thereof.

254 Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

255 \_\_\_\_\_ CLERK OF COURT

256 SEAL:

257 Bondsman Return

258 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, I \_\_\_\_\_

259 agent for \_\_\_\_\_ surrender the above named defendant to

260 the \_\_\_\_\_ jail of \_\_\_\_\_.

261 Time: \_\_\_\_\_

262 Bondsman's or Recovery License Number: \_\_\_\_\_."

263 "§15-13-131

264 (a) When a defendant fails to appear in court as  
265 required by the undertaking of bail and no sufficient excuse  
266 has been provided to the court prior to the hearing, the court  
267 shall order a conditional forfeiture and show cause order  
268 against the defendant and the sureties of the bail. The court  
269 shall notify defendant and sureties of the order as set out in  
270 this article. The defendant or sureties, or both, shall file a  
271 written response with the clerk of the court within ~~28~~ 30 days  
272 ~~of~~ after the date of service of the notice why the bond should  
273 not be forfeited. If a written response is filed within the  
274 time allowed and the court is of the opinion the written  
275 response is sufficient, the court shall set aside the  
276 conditional forfeiture. If the court is of the opinion the  
277 written response is not sufficient, the court shall set a  
278 hearing to determine whether the bond should be forfeited. The  
279 hearing shall not be set less than ~~90~~ 120 days ~~of~~ after the  
280 service of the conditional forfeiture order. If no written



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281 response has been filed after ~~28~~ 30 days from the date of  
282 service of the notice, the court may enter an appropriate  
283 order or final judgment forfeiting all or part of the amount  
284 of the bond which shall be enforceable as any civil judgment.  
285 The court may take into consideration the circumstances  
286 provided to the court and continue any final forfeiture  
287 hearing to another day and time allowing the sureties more  
288 time to apprehend the defendant.

289 (b) When an undertaking of bail is forfeited by the  
290 failure of the defendant to appear as required, except when  
291 money is deposited as cash bail, a conditional judgment shall  
292 be rendered by the court in favor of the state or its  
293 subdivisions, for the use of the proper city, county, or  
294 state, against the parties to the undertaking for the sum  
295 thereon expressed, which judgment may be substantially as  
296 follows:

297 (State of or City of) Charge: \_\_\_\_\_ vs Case No.  
298 \_\_\_\_\_ A.B. \_\_\_\_\_ C.D. \_\_\_\_\_ E.F.  
299 (Sureties) \_\_\_\_\_

300 It being known to the court that A.B., together with  
301 (Sureties) \_\_\_\_\_, agreed to pay the State of Alabama (or City  
302 of \_\_\_\_\_,) \_\_\_\_\_ dollars (the sum specified in the  
303 undertaking), unless A.B. appeared at the time and place  
304 mentioned and fixed in the bond or undertaking to answer in  
305 this case and A.B. having failed to appear at the time and  
306 place mentioned in the bond or undertaking, it is therefore  
307 ordered by the court that the State of Alabama (or City of  
308 \_\_\_\_\_,) for the use of \_\_\_\_\_ State (or City), recover of the



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309 defendant and sureties on the undertakings, the sum of \_\_\_\_\_  
310 dollars (the sum specified in the undertaking), unless they  
311 file a written response and show cause why this judgment  
312 should not be made absolute within ~~28~~ 30 days ~~of~~ after the  
313 date of service of this conditional forfeiture order.

314 (c) The state shall remit one-half of the funds it  
315 receives under subsections (a) and (b) to the county in which  
316 the defendant was charged. The funds shall be deposited into  
317 the general fund of the county and used for the maintenance  
318 and operation of the county jail."

319 "§15-13-132

320 A notice of the rendition of the judgment set forth in  
321 Section 15-13-131 shall be issued by the clerk of the court  
322 and served according to the terms as established in this  
323 article within 90 days ~~of the court's conditional forfeiture~~  
324 ~~order to the defendant and sureties. The notice may be in the~~  
325 ~~following form~~ after the defendant's failure to appear in  
326 court:

327 STATE OF ALABAMA \_\_\_\_\_ (or City of  
328 \_\_\_\_\_) Defendant vs \_\_\_\_\_ County \_\_\_\_\_  
329 SuretyCase No. \_\_\_\_\_ SuretyCharge:  
330 \_\_\_\_\_ Conditional Forfeiture Notice To:  
331 \_\_\_\_\_  
332 CourtDefendant \_\_\_\_\_ Surety

333 You are hereby notified that your name appears as a  
334 surety on the bond in the above styled case. This case was  
335 called for trial on \_\_\_\_\_ (date) and the defendant was not  
336 present to answer. Therefore, a conditional forfeiture of



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337 \_\_\_\_\_ dollars was entered against you.

338           You shall file a written response within ~~28~~ 30 days  
339 after you receive this notice and show cause to the court why  
340 this bond amount and the court cost incident to this  
341 forfeiture should not be made final.

342           If no action on your part is taken ~~28~~ 30 days after the  
343 date you receive this notice, a final forfeiture may be  
344 entered against you by the court. The sheriff shall collect  
345 the amount of the bond and court cost from you or levy on your  
346 property to satisfy the forfeiture case. If you file a written  
347 response and the court is of the opinion your written response  
348 is not sufficient to set aside the conditional forfeiture,  
349 then the court shall set a final forfeiture hearing date and  
350 you will be notified at the address provided on the response.

351           This bond forfeiture is a court case against you  
352 separate from the defendant's criminal case. The court has  
353 also ordered that the defendant be re-arrested in the original  
354 case.

355           Date issued: \_\_\_\_\_ By \_\_\_\_\_ Clerk "

356           "§15-13-134

357           A conditional forfeiture notice may be served by any  
358 law enforcement officer, at the law enforcement office in the  
359 same manner as a summons in a civil action, except that  
360 service may not be by publication. At the law enforcement  
361 officer's discretion and expense, the notice may be served by  
362 certified mail, requiring a signed receipt or some equivalent  
363 thereof. In the event the notice is served by certified mail,  
364 return of the receipt properly signed shall be prima facie



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365 evidence of service. A surety may sign for the forfeiture with  
366 the clerk of the court. The notice required by this subsection  
367 ~~must~~ shall be returned by the ~~person~~ individual serving it,  
368 with his or her proper return endorsed thereon, within  
369 ~~twenty-eight~~ 30 days of the date of issuance or within five  
370 days of service, whichever period of time is shorter."

371 "§15-13-136

372 In forfeiture cases where the clerk of the court has  
373 failed to issue the conditional forfeiture notice as  
374 stipulated in Section 15-13-132 and where there has been no  
375 service as set out in Section 15-13-134 made within 90 days ~~of~~  
376 after the ~~order of the court~~ defendant fails to appear as set  
377 out in Section 15-13-131, and where the sureties have complied  
378 with Section 15-13-133, then the sureties shall be discharged  
379 from all liability of the bail and the conditional judgment  
380 shall be set aside against ~~such~~ those sureties."

381 "§15-13-137

382 If the defendants appear and show sufficient cause for  
383 the default to be determined by the court, the conditional  
384 judgment shall be set aside. If the excuse is not sufficient,  
385 or if the defendant or sureties fail to appear at the final  
386 forfeiture hearing, the judgment ~~shall~~ may be made absolute  
387 for the entire sum expressed in the undertaking, or any  
388 portion thereof according to the circumstances."

389 "§15-13-138

390 (a) The court shall set aside the conditional  
391 forfeiture in its entirety for the following reasons or under  
392 the following circumstances:



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393 (1) If the sureties can show that the defendant was  
394 hospitalized at the time he or she was to appear in court, or  
395 if the sureties can produce sufficient evidence that the  
396 defendant was not able to attend court for reason of illness,  
397 by producing a doctor's certificate or letter to that effect.  
398 The hospitalization may be in or out of ~~the State of Alabama~~  
399 this state. For the sureties to take advantage of this  
400 ~~provision~~ subdivision, they shall put the court on notice that  
401 the situation exists either prior to the issuance of the  
402 conditional forfeiture order or within ~~28~~ 30 days after legal  
403 service of the conditional forfeiture on the sureties. After  
404 receiving notice, the court may continue the case to a future  
405 date it deems proper and just for the defendant to appear. If  
406 at that time the defendant is still not able to attend court  
407 for the same reason, then it shall be the burden of the  
408 sureties to produce the evidence within the same prescribed  
409 time. This section ~~shall~~ does not bar the court from the  
410 issuance of a bench warrant for the defendant in cases where  
411 the court feels that documents of proof do not reflect the  
412 truth, or where the court has reason to believe the defendant  
413 may appear and he or she is using ~~such~~ the documents of proof  
414 as an excuse to avoid appearance.

415 (2) If the sureties show that the defendant was  
416 confined in jail or in the custody of another jurisdiction in  
417 ~~the State of Alabama~~ this state or any other state, at the  
418 time of his or her original appearance or on the date of the  
419 issuance of the conditional forfeiture order, or if the surety  
420 shows that the defendant is still confined in any jail in ~~the~~





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421 ~~State of Alabama~~ this state or any other state, or in the  
422 custody of another jurisdiction within ~~the State of Alabama~~  
423 this state or any other state, or in the custody of another  
424 jurisdiction within the continental United States, including  
425 United States federal jurisdiction, the court shall set aside  
426 the conditional forfeiture and continue the case until a time  
427 after the end of that confinement. If the court later learns  
428 that the defendant is free from confinement before the  
429 confinement was supposed to end, then the court, with notice  
430 to the sureties, may reset the case and the burden shall be on  
431 the sureties to produce the defendant for the hearing or the  
432 court may issue another conditional forfeiture.

433 (3) If the sureties show the defendant is deceased.

434 (4) If the sureties show the defendant was serving on  
435 active duty in one of the military services of the United  
436 States.

437 (b) If a defendant has failed to appear before the  
438 court and the governing authorities decline to enter the  
439 defendant into the National Crime Information Center database  
440 on the felony charge or decline to proceed with extradition,  
441 the surety shall be discharged. The defendant may be charged  
442 the cost of extradition and those costs may be added to court  
443 costs upon conviction of the defendant."

444 "§15-13-139

445 In forfeiture cases where the sureties have paid the  
446 amount of the forfeiture into the court or in cases where the  
447 forfeiture has been made final or absolute and there is no  
448 further litigation pending on the forfeiture, and the surety



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449 locates the defendant and causes the return of the defendant  
450 to the custody of the court where the bond was forfeited, and  
451 if the defendant was substantially procured by actions of the  
452 surety, and the administration of justice has not been  
453 thwarted nor the successful prosecution of the defendant has  
454 been affected, then the court which ordered the forfeiture,  
455 shall have full power and jurisdiction in all proceedings  
456 conducted pursuant to this article and within a period of ~~six~~  
457 ~~months~~ one year from the date of issuance of any final  
458 forfeiture judgment, to consider any costs to the state or its  
459 subdivisions which resulted as a cause of the default, if any,  
460 and upon giving consideration thereto, may, in the court's  
461 discretion, remit the whole of the penalty of the bail, or  
462 undertaking, or any portion thereof, which is in excess of any  
463 costs to the state or its subdivisions, and render a new final  
464 judgment against the sureties appearing upon the bail bond or  
465 undertaking. In forfeiture cases, if the judgment has been  
466 paid into the State Treasury or ~~Municipal Treasury~~ a municipal  
467 treasury, the court may issue an order to the custodian of the  
468 treasury to make a refund to the sureties."

469 "§15-13-140

470 Reasons for default shall be heard by the court on  
471 application, at any time when not engaged in other business.  
472 When a conditional judgment is set aside for sufficient cause,  
473 no cost shall be imposed on the sureties. This ~~provision~~  
474 section has no application where money is deposited instead of  
475 bail. Sureties may appear before the courts of this state or  
476 its subdivisions to answer any "show cause order," conditional



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477 or final forfeiture to give any reasons for default, to  
478 present any defense to the default, and for any other purpose  
479 of informing the courts about information relating to the  
480 appearance or non-appearance of the defendant on the bail of  
481 which they are surety. If the surety is a professional surety  
482 company or professional bail company then any agent or  
483 representative of the professional surety company or  
484 professional bail company may appear for the same purposes."

485           "§15-13-141

486           In all cases where a conditional forfeiture has been  
487 made final by any court of the state or any of its  
488 subdivisions and there has been no further action or request  
489 filed with the court, appeal taken, ~~application to the State~~  
490 ~~Pardons and Paroles Board,~~ or any other litigation of which  
491 the court has knowledge has been filed by the surety with the  
492 court within 30 days to the clerk of the court of the entry or  
493 order of the final judgment and the same has not been paid  
494 within 30 days to the clerk of the court, then the clerk shall  
495 refuse to accept and approve any bonds from the surety as  
496 being insufficient. The clerk shall notify all persons  
497 authorized to accept and approve bonds returnable to the court  
498 of the action and they shall no longer accept or approve  
499 surety on bonds until notified otherwise by the clerk. The  
500 clerk shall also notify the circuit clerk of the county who  
501 shall notify all other clerks of any courts in the county in  
502 writing and the clerks shall refuse to accept or approve any  
503 other bonds of the surety and shall notify the other  
504 authorized persons having the authority to approve and accept



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505 bail returnable to their courts of the action and they shall  
506 no longer accept or approve the surety on bail until otherwise  
507 notified by the clerk. Refusal by the clerks shall be in  
508 writing and shall be known as a "clerk's revocation of  
509 surety."

510 "§15-13-145

511 Any person charged with a felony, misdemeanor, or  
512 violation shall be eligible for a judicial public bail, if:

513 (1) The person is not charged with robbery, capital  
514 murder, forcible sex crimes, escape, trafficking in drugs, or  
515 the sale of drugs.

516 (2) The person has not been convicted of a previous  
517 felony or committed a felony while being released on any form  
518 of bail.

519 (3) The person is not presently under a suspended  
520 sentence or on probation or parole for a previous conviction  
521 on a misdemeanor or a felony.

522 (4) There is no evidence, satisfactory to the judicial  
523 officer, that the person has violated a previous bail release,  
524 whether it be judicial public bail, property, cash, ~~or~~  
525 professional surety bail, or failure to appear."

526 "§15-13-159

527 No professional surety company shall execute or become  
528 surety on any appearance bond in this state, unless it has an  
529 order granting authorization to become professional surety on  
530 any bail. The order granting the authorization shall be  
531 reissued annually, prior to January 1 of each year, by the  
532 presiding circuit judge of the county in which the company



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533 desires to execute bail or appearance bonds. Prior to the  
534 judge's issuance of the original order and no later than  
535 December 1 of each year, thereafter, professional surety  
536 companies shall submit annually to the presiding circuit judge  
537 the following:

538 (1) An original or certified copy of a certificate of  
539 authority or certificate of compliance from the Department of  
540 Insurance reflecting that the company is qualified to write a  
541 bail line of insurance and that the company is in good  
542 standing with the department.

543 (2) An original qualifying power of attorney issued by  
544 the professional surety company, specifying any applicable  
545 limitations and the names of the agents that may execute and  
546 bind the company to a bail undertaking. The qualifying power  
547 of attorney shall not name any company, corporation, or other  
548 entity as an agent except a person as defined as a  
549 professional bondsman in Division 1, Section 15-13-100 of this  
550 chapter, and that person shall be an agent of the company  
551 licensed with the Department of Insurance.

552 (3) A copy of the license issued by the Department of  
553 Insurance of each agent who is named in or appointed by the  
554 qualifying power of attorney in subdivision (2) or a letter or  
555 other documentation from the department indicating that the  
556 appointed agents are temporarily licensed as agents of the  
557 professional surety company for those lines of insurance.

558 (4) An affidavit or certification in writing, under  
559 oath, executed by a licensed agent of the professional surety  
560 company who is the manager or an owner or president of a



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561 corporation, company, partnership, or other entity that  
562 represents the professional surety company, filed with the  
563 clerk of the circuit court of each county in which the  
564 professional surety company executes or becomes surety on  
565 appearance bonds, stating the following:

566           a. That all appearance bonds shall be executed in the  
567 name of the professional surety company as surety by the  
568 agents listed or appointed in the qualifying power of attorney  
569 presented to the court or any other qualifying powers of  
570 attorney filed with the circuit clerk of the county.

571           b. That all agents listed or appointed in the  
572 qualifying powers of attorney shall be licensed by the  
573 Department of Insurance, prior to their appointments.

574           c. That any agency, company, corporation, or other  
575 entity that represents the professional surety company in the  
576 county, has no owners or other persons having a direct or  
577 indirect financial interest in such agency, company,  
578 corporation, or other entity, that have been convicted of a  
579 felony or a crime involving moral turpitude. If any person  
580 having a direct or indirect financial interest in such agency,  
581 company, corporation, or other entity has been convicted of a  
582 felony or a crime involving moral turpitude, then the  
583 affidavit or certification shall certify that there has been  
584 such conviction, providing the name of the person convicted,  
585 and certify that the person convicted has been pardoned or has  
586 had a restoration of civil rights.

587           d. That the professional surety company has no  
588 knowledge of forfeitures that have been final for more than 30



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589 days that have not been paid to the clerk of the court arising  
590 out of surety undertaking, and that the professional surety  
591 company has no petitions, motions, or other litigation matters  
592 pending.

593 e. That no agents of the professional surety company  
594 who have the authority to execute appearance bonds in its  
595 behalf or any person having a financial interest, direct or  
596 indirect, in the ownership or management of any agency,  
597 company, corporation, or other entity that represents the  
598 professional surety company in the execution of appearance  
599 bonds, is an attorney, a judicial official, a person  
600 authorized to accept an appearance bond, or an agent of an  
601 attorney, judicial official, or person authorized to accept an  
602 appearance bond.

603 f. The names and addresses of all persons, officers,  
604 employees, and agents of the agency, company, corporation, or  
605 other entity that represents the professional surety company  
606 becoming surety on appearance bonds who have a direct or  
607 indirect financial interest in the agency, company,  
608 corporation, or other entity representing the professional  
609 surety company and the nature and extent of each interest.

610 g. That those persons stated in this section have not,  
611 within a period of two years, violated any provisions of this  
612 chapter or any rules adopted by the Supreme Court of Alabama  
613 in accordance with this chapter.

614 (5) A copy of the license issued by the Alabama  
615 Professional Bail Bonding Board pursuant to the Alabama Bail  
616 Bond Regulatory Act, Article 8, commencing with Section



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617 15-13-200."

618 "§15-13-160

619 (a) No professional bail company shall execute or  
620 become surety on any appearance bond in this state, unless ~~it~~  
621 the company has an order granting authorization to become  
622 professional surety on any bail. The order granting  
623 authorization shall be reissued annually prior to January 1 of  
624 each year by the presiding circuit judge of the county in  
625 which the company desires to execute bail or appearance bonds.  
626 Prior to the judge's issuance of the original order and no  
627 later than December 1 of each year, thereafter, professional  
628 bail companies shall submit annually to the presiding circuit  
629 judge the following:

630 (1) a. An original corporate surety bond or escrow  
631 agreement, filed and approved by the presiding circuit judge  
632 of the county in which the professional bail company executes  
633 or becomes surety on appearance bonds, in the amount of  
634 ~~\$25,000~~ twenty-five thousand dollars (\$25,000), guaranteeing  
635 the payment of all sums of money that may become due by virtue  
636 of any judgment absolute that may be rendered against the  
637 professional bail company on a forfeiture entered by any court  
638 in the county. Corporate surety bonds shall be executed only  
639 by a surety company authorized to do business in the ~~State of~~  
640 ~~Alabama~~ this state and qualified to write bonds by the  
641 Department of Insurance. The corporate surety bond shall  
642 provide that it may be cancelled as to any future liability by  
643 the corporate surety company or the professional bail company  
644 giving 30 days prior written notice of the cancellation to the





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645 clerk of the circuit court in which the bond or instrument was  
646 filed. A bank in ~~the State of Alabama~~ this state shall be a  
647 party to all escrow agreements, and those agreements shall  
648 provide that the agreement may be cancelled as to any future  
649 liability only by the professional bail company and bank  
650 giving 30 days prior written notice of the cancellation to the  
651 clerk of the circuit court in which the escrow agreement or  
652 instrument is filed. Once a professional bail company has  
653 filed an original continuous corporate surety bond or escrow  
654 agreement with the circuit clerk and it has been approved by  
655 the presiding circuit judge, then the professional bail  
656 company does not have to file any other original continuous  
657 corporate surety bond or escrow agreement upon annual  
658 recertification. The professional bail company shall submit an  
659 original certificate from the insurance company which executed  
660 the corporate surety bond reflecting that it is still in force  
661 or an original letter from the bank stating the escrow  
662 agreement is still effective and the ~~moneys~~ monies are still  
663 held in trust. When any professional bail company is annually  
664 recertifying, the circuit clerk shall send the original  
665 corporate surety bond or original escrow agreement with any  
666 cancellations received by the circuit clerk to the presiding  
667 circuit judge for review and approval.

668 b. Any new original corporate surety bond or escrow  
669 agreement made after the effective date of the act adding this  
670 paragraph, in a county with a population of 200,000 or more,  
671 shall require a surety bond or escrow agreement in the amount  
672 of fifty thousand dollars (\$50,000). This paragraph does not



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673 affect any corporate surety bond or escrow agreement made  
674 before the effective date of the act adding this paragraph.  
675 Current escrow agreements and corporate surety bonds shall  
676 remain at twenty-five thousand dollars (\$25,000) for any  
677 renewal thereafter.

678 (2) An original qualifying power of attorney, letter,  
679 or other document issued by the professional bail company  
680 specifying any applicable limitations and specifying the  
681 agents who are authorized to execute and bind the professional  
682 bail company to a bail undertaking or to appearance bonds. The  
683 qualifying power of attorney, letter, or other document may  
684 only name persons as agents.

685 (3) An original affidavit or certificate in writing,  
686 under oath, executed by an owner or officer of a professional  
687 bail company, to the clerk of the circuit court of the county  
688 in which the professional bail company shall execute or become  
689 surety on appearance bonds which contains all of the  
690 following:

691 a. That all appearance bonds shall be executed in the  
692 name of the professional bail company as surety by the agents  
693 listed or appointed in the qualifying power of attorney,  
694 letter, or other document presented to the court or any other  
695 person so named in any future qualifying powers of attorney,  
696 letters, or documents filed with the circuit clerk of the  
697 county.

698 b. That the professional bail company is qualified to  
699 do business in this state and its resident address.

700 c. That the professional bail company has sufficient



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701 financial net worth to satisfy its obligations as a surety.

702 d. That no person having a direct or indirect financial  
703 interest in the professional bail company has been convicted  
704 of a felony or a crime involving moral turpitude.

705 Notwithstanding the foregoing, if any person having a direct  
706 or indirect financial interest in the bonding business has  
707 been convicted of a felony or a crime involving moral  
708 turpitude, then the person making the certification shall  
709 certify that there has been a conviction, provide the name of  
710 the person convicted, and certify that the person convicted  
711 has been pardoned or has had a restoration of civil rights.

712 e. That the professional bail company has no knowledge  
713 of any forfeiture that has been made final for more than 30  
714 days that has not been paid arising out of surety undertakings  
715 and as to which the professional bail company has no  
716 petitions, motions, or other litigation matters pending.

717 f. That there are no persons, including employees,  
718 agents, or persons with a financial interest in the  
719 professional bail company, who, within a period of two years,  
720 violated this chapter, or any rules adopted by the Supreme  
721 Court governing the qualifications of professional surety or  
722 bail companies.

723 g. That no employee, agent, or any other person having  
724 a direct or indirect financial interest in the professional  
725 bail company is an attorney, a judicial official, a person  
726 authorized to accept an appearance bond, or an agent of an  
727 attorney, judicial official, or person authorized to accept an  
728 appearance bond.



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729 h. The names and addresses of all officers, employees,  
730 and agents of the professional bail company who have a direct  
731 or indirect financial interest in the professional bail  
732 company and the nature and extent of each interest.

733 (b) A professional bondsman may not own a professional  
734 bail company until he or she has been licensed as a  
735 professional bondsman for at least three years.

736 (c) If the owner of a professional bail company dies or  
737 becomes completely incapacitated, as determined by the board,  
738 his or her professional bail company may be sold to an  
739 unlicensed individual. The unlicensed individual shall have 90  
740 calendar days to obtain a license."

741 "§15-13-164

742 (a) Any person who becomes surety on any bail for a  
743 defendant in this state and receives something of value or  
744 charges a fee therefor, and who is not authorized as a  
745 professional surety or bail company under this chapter shall  
746 be guilty of a Class A misdemeanor and, upon conviction, shall  
747 be sentenced in accordance with the laws of this state for  
748 such an offense.

749 (b) Any defendant or other individual who contracts  
750 with a surety or court, who provides false information to the  
751 court or to the sureties on any bail bond forms or contracts,  
752 shall be guilty of a Class A misdemeanor and, upon conviction,  
753 shall be sentenced in accordance with the laws of this state  
754 for the offense.

755 (c) Any surety who exchanges sexual services in  
756 exchange for bail bond services shall be guilty of a Class C



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757 felony and, upon conviction, shall be sentenced in accordance  
758 with the laws of this state for the offense."

759           Section 2. Although this bill would have as its purpose  
760 or effect the requirement of a new or increased expenditure of  
761 local funds, the bill is excluded from further requirements  
762 and application under Section 111.05 of the Constitution of  
763 Alabama of 2022, because the bill defines a new crime or  
764 amends the definition of an existing crime.

765           Section 3. The provisions of this act are severable. If  
766 any part of this act is declared invalid or unconstitutional,  
767 such declaration shall not affect the part which remains.

768           Section 4. This act shall become effective on the first  
769 day of the third month following its passage and approval by  
770 the Governor, or its otherwise becoming law.