

The House Committee on Judiciary Non-civil offers the following substitute to SB 195:

## A RESOLUTION

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 official  
67 or agency shall be considered proof of the principal's deportation or removal. Such  
68 documentation may be delivered by mail or e-mail or delivered by hand or by facsimile  
69 machine."

70 **SECTION 4.**

71 All laws and parts of laws in conflict with this Act are repealed.