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## **OLR Bill Analysis**

### **sHB 6689**

#### ***AN ACT CONCERNING BAIL BONDS.***

#### **SUMMARY:**

This bill makes a number of changes relating to bail bonds, including:

1. reducing the minimum down payment and extending the payment period for bond premium financing agreements;
2. allowing a surety, under certain circumstances, to apply to the court to be released from a bond after a principal absconds;
3. allowing a court to extend the required six-month stay of execution on a bond forfeiture order for good cause;
4. automatically terminating a bond and releasing a surety when an accused voluntarily returns between five business days and six months after a bond forfeiture order;
5. requiring the court to vacate a bond and release a professional bondsman or surety bail bond agent and insurer upon satisfactory proof that the accused is held by a federal agency or is removed by U.S. Immigration and Customs Enforcement (ICE), if the prosecutor does not seek extradition; and
6. specifying that a bond that is automatically terminated when a defendant is sentenced by a court terminates when the sentence begins.

EFFECTIVE DATE: October 1, 2013

#### **PREMIUM FINANCING AGREEMENTS**

The law allows a surety bail bond agent to extend credit to a defendant or indemnitor for a bond in a criminal case under a

premium financing agreement. The bill (1) reduces the minimum down payment required from 35% to 30% of the premium due and (2) extends from 15 to 18 months the time to pay the remaining balance under the promissory note.

### **ABSCONDING PRINCIPAL**

The law requires a surety to apply to the Superior Court when he or she believes the principal on the bond will abscond, and the court must issue an order to take the person into custody. The bill allows the surety to apply to the court in writing to be released from a bond after a principal absconds and within six months of a bond forfeiture order. The bill allows a judge to release a surety for good cause.

### **EXTENDING STAY OF FORFEITURE ORDER**

When someone deposits cash or pledges real property equal to the amount of bond or a person posts a surety bond of \$500 or more, the law requires the court to (1) order the bond forfeited if the accused does not appear in court and (2) issue a rearrest warrant. Currently, the court stays execution of the forfeiture for six months and, if the person is returned to custody during that period, the bond is automatically terminated, a person who offered cash bail or pledged real property on behalf of the accused is released, and the court sets the accused's new conditions of release.

The bill allows the court to extend the stay of execution for good cause and automatically terminates the bond if the person is returned during this extended period.

### **VOLUNTARY RETURN BY THE ACCUSED**

By law, if an accused person voluntarily returns to court within five days after an order forfeiting a surety bond of \$500 or more, the court can vacate the forfeiture order and reinstate the bond if the failure to appear was not willful.

If the person returns voluntarily more than five business days but less than six months after the forfeiture order, the bill requires the court to (1) automatically terminate the bond, (2) release the surety,

and (3) order the person's new conditions of release.

**ACCUSED HELD BY FEDERAL AGENCY OR REMOVED BY ICE**

By law, the court must vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer who posted a bond for the accused when (1) the accused is held in another state, territory, or country; (2) the bondsman, agent, or insurer provides proof of the accused's detention; and (3) the state's attorney prosecuting the case does not seek to extradite the accused. The bill also requires the court to vacate a bond forfeiture order and release these individuals if the accused is held by a federal agency or is removed by ICE. The bill specifies that the bondsman, agent, or insurer must provide satisfactory proof that one of these circumstances exists.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)