

1 HB547
2 210409-1
3 By Representative Pringle
4 RFD: Judiciary
5 First Read: 16-MAR-21

8 SYNOPSIS: Under existing law, the Bail Bond Reform Act
9 of 1993, defines and provides for the use of bail
10 bonds and the duties and responsibilities of
11 professional bail and professional surety
12 companies.

13 This bill would remove the requirement of
14 cash bail only for an initial custody arrest under
15 certain circumstances and would provide further for
16 the definitions of cash bail and property bail.

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

25 This bill would increase the time frames for
26 notice and conducting hearings in conditional
27 forfeiture proceedings.

1 This bill would remove the requirement that
2 a conditional judgment to set aside shall be made
3 absolute for the entire sum and would provide
4 further for instances when a court may set aside
5 forfeiture, may not release a defendant on judicial
6 public bail, and eligibility for judicial public
7 bail.

8 This bill would provide further for the
9 amount of new corporate surety bonds and escrow
10 agreements required in counties with a populations
11 of 200,000 or more.

12 This bill would provide further for criminal
13 penalties for certain unlawful behavior.

14 This bill would also make nonsubstantive,
15 technical revisions to update the existing code
16 language to current style.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, as amended by Amendment 890, now appearing
19 as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, prohibits a
21 general law whose purpose or effect would be to
22 require a new or increased expenditure of local
23 funds from becoming effective with regard to a
24 local governmental entity without enactment by a
25 2/3 vote unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to the Bail Bond Reform Act of 1993; to
16 amend Sections 15-13-103, 15-13-111, 15-13-114, 15-13-118,
17 15-13-125, 15-13-128, 15-13-131, 15-13-132, 15-13-136,
18 15-13-137, 15-13-138, 15-13-142, 15-13-145, 15-13-160, and
19 15-13-164, Code of Alabama 1975, to remove the requirement of
20 cash bail only for certain initial custody arrests; to further
21 define cash bail and property bail; to provide further for the
22 arrest and delivery of a defendant to jail by a surety with no
23 court costs to be entered on the surety; to provide that a
24 surety not be charged for a bondsman's process or for a
25 certified copy of a bond; to require the license number of the
26 bondsman or recovery on a bondsman's process form; to increase
27 the time frames for providing notice and conducting hearings

1 in conditional forfeiture proceedings; to remove the
2 requirement that a conditional judgment to set aside be made
3 absolute for the entire sum; to provide further for instances
4 when a court may set aside forfeiture and may not release a
5 defendant on judicial public bail; to provide further for
6 eligibility for judicial public bail; to provide further for
7 the amount of new corporate surety bonds and escrow agreements
8 required in counties with populations of 200,000 or more; to
9 provide further for criminal penalties for certain unlawful
10 behavior; to make nonsubstantive, technical revisions to
11 update the existing code language to current stye; and in
12 connection therewith would have as its purpose or effect the
13 requirement of a new or increased expenditure of local funds
14 within the meaning of Amendment 621 of the Constitution of
15 Alabama of 1901, as amended by Amendment 890, now appearing as
16 Section 111.05 of the Official Recompilation of the
17 Constitution of Alabama of 1901.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 15-13-103, 15-13-111, 15-13-114,
20 15-13-118, 15-13-125, 15-13-128, 15-13-131, 15-13-132,
21 15-13-136, 15-13-137, 15-13-138, 15-13-142, 15-13-145,
22 15-13-160, and 15-13-164 of the Code of Alabama 1975, are
23 amended to read as follows:

24 "§15-13-103.

25 "Admission to bail is the order of a judicial
26 officer of any court of the State of Alabama, or one of its
27 subdivisions, that the defendant be discharged from actual

1 custody on bail. Judicial officers of all courts in the ~~State~~
2 ~~of Alabama~~ state shall see that every defendant arrested and
3 in custody has an opportunity to give bail, in cases in which
4 the defendant is entitled to bail and in cases pending before
5 the court, and shall see that the amount of bail is
6 established. The amount of bail shall be set in the amount
7 that the judicial officer ~~feels~~, in his or her discretion,
8 feels is sufficient to guarantee the appearance of the
9 defendant. Bail amounts shall not exceed the statutory limits
10 otherwise set out in the laws of this state. The amounts of
11 bail may be set by a judicial officer in a standard bail
12 schedule as prescribed by the judge or pursuant to the bail
13 schedule ~~promulgated~~ adopted by Supreme Court rule. Bail for
14 an initial custody arrest of a defendant in misdemeanor cases,
15 violations, or traffic offenses may not be set as cash bail
16 only.

17 "§15-13-111.

18 "For persons arrested and taken into custody, there
19 shall be four kinds of bail used in this state. No other form
20 of bail may be approved and accepted by any judicial officer,
21 court clerk, magistrate, or any other person designated to
22 accept and approve bail as stipulated in Division 1, Sections
23 15-13-100 to 15-13-110, inclusive. The four kinds of bail
24 shall be judicial public bail, cash bail, property bail, and
25 professional surety bail. Their definitions are as follows:

26 "(1) CASH BAIL. Cash bail is when the defendant or
27 some person on behalf of the defendant deposits cash in an

1 amount equal to ~~a part or~~ the total sum of the bail as set by
2 the judicial officer to the clerk of the court having
3 jurisdiction over the case. Acceptance of cash bail shall
4 conform to Division 9.

5 "(2) JUDICIAL PUBLIC BAIL. Judicial public bail is
6 the release of any defendant without any condition of an
7 undertaking relating to, or a deposit of, security. ~~Such~~
8 Judicial public bail shall be granted to persons subjected to
9 custodial arrest only by a judicial officer having
10 jurisdiction over the defendant and in accordance with the
11 procedures established in Division 7 ~~of this article~~.

12 "(3) PROFESSIONAL SURETY BAIL. Professional surety
13 bail is when a defendant is released on bail by having a
14 professional surety or professional bail company execute a
15 bond on behalf of the defendant and becoming surety on the
16 bail. ~~Such~~ Professional surety or professional bail companies
17 shall meet the qualification requirements of Division 10.

18 "(4) PROPERTY BAIL. Property bail is when a
19 defendant is released on bail by having at least one or more
20 real property owners that own real property in the ~~State of~~
21 ~~Alabama~~ state, execute or become bail or surety for the
22 defendant. ~~Such property~~ Real property owners shall qualify
23 and meet requirements applying to property bail as set out in
24 Division 8.

25 "§15-13-114.

26 "The obligation of the sureties continues throughout
27 every stage of trial, from the time the defendant is entered

1 thereon until the rendition of the verdict by the jury or
2 judge. The finding of the defendant guilty by a jury or judge
3 discharges the sureties. The obligation of the sureties are
4 also discharged when the judge takes any of the following
5 actions:

6 "(1) Sentences the defendant.

7 "(2) Grants the prosecutor's motion to nol pros the
8 case.

9 "(3) Dismisses the case.

10 "(4) Issuance of any order to the defendant to
11 attend driving-under-the-influence school, mental health
12 counseling, mental health court, pretrial diversion, drug
13 court, or any similar order of which the court would only have
14 had the authority to do so, if there had been an adjudication
15 of guilt or in cases where there has been an adjudication of
16 guilt.

17 "(5) Issuance of any order of restitution or
18 payments received from the defendant to the court for fines,
19 court costs, or restitution.

20 "(6) Announcement or order of sentence prior to any
21 probation determination.

22 "§15-13-118.

23 "After the entry of a conditional forfeiture against
24 any surety on an undertaking of bail, the surety may arrest
25 the defendant as provided in Section 15-13-117, ~~but~~ and the
26 arrest and delivery of the defendant to the authorized jail as
27 stated in Section 15-13-117 shall ~~not~~ exonerate the surety

1 ~~unless, in the judgment of the court, a good and sufficient~~
2 ~~cause is given for the failure of the defendant to appear at~~
3 ~~the time the conditional judgement was entered.~~ No court costs
4 shall be entered on the surety.

5 "§15-13-125.

6 "The clerk of the court having jurisdiction over the
7 defendant shall issue a bondsman's process to the sureties on
8 such the bail upon their request. The request may be made by
9 any one of the sureties. Before the issuance of the process,
10 the clerk shall determine if the case is still open and the
11 defendant and the sureties have not been discharged by law. A
12 surety shall not be charged for the bondsman's process or for
13 a certified copy of the bond. The bondsman's process shall
14 remain in full effect until such time as the case is disposed
15 of by the court.

16 "§15-13-128.

17 "The following shall be substantially the form to be
18 used for a bondsman's process.

19 "BONDSMAN'S PROCESS
20

21 "STATE OF ALABAMA

22 "COUNTY OF _____.

23 "(or)

24 "CITY OF _____.

1 "SEAL:

2 "Bondsman Return

3 "On this _____ day of _____, 20____, I
4 _____ agent for _____ surrender the above named
5 defendant to the _____ jail of _____.

6 "Time: _____

7 "Bondsman's or Recovery License Number:
8 _____.

9 "§15-13-131.

10 "(a) When a defendant fails to appear in court as
11 required by the undertaking of bail and no sufficient excuse
12 has been provided to the court prior to the hearing, the court
13 shall order a conditional forfeiture and show cause order
14 against the defendant and the sureties of the bail. The court
15 shall notify defendant and sureties of the order as set out in
16 this article. The defendant or sureties, or both, shall file a
17 written response with the clerk of the court within ~~28~~ 180
18 days ~~of~~ after the date of service of the notice why the bond
19 should not be forfeited. If a written response is filed within
20 the time allowed and the court is of the opinion the written
21 response is sufficient, the court shall set aside the
22 conditional forfeiture. If the court is of the opinion the
23 written response is not sufficient, the court shall set a
24 hearing to determine whether the bond should be forfeited. The
25 hearing shall not be set less than ~~90~~ 120 days ~~of~~ after the
26 service of the conditional forfeiture order. If no written

1 response has been filed after ~~28~~ 180 days from the date of
2 service of the notice, the court may enter an appropriate
3 order or final judgment forfeiting all or part of the amount
4 of the bond which shall be enforceable as any civil judgment.
5 The court may take into consideration the circumstances
6 provided to the court and continue any final forfeiture
7 hearing to another day and time allowing the sureties more
8 time to apprehend the defendant.

9 "(b) When an undertaking of bail is forfeited by the
10 failure of the defendant to appear as required, except when
11 money is deposited as cash bail, a conditional judgment shall
12 be rendered by the court in favor of the state or its subdivi-
13 sions, for the use of the proper city, county, or state,
14 against the parties to the undertaking for the sum thereon
15 expressed, which judgment may be substantially as follows:

16 "(State of or City Charge: _____

17 of)

18 "vs Case No. _____

19 "A.B. _____

20 "C.D. _____

21 "E.F.

22 (Sureties) _____

23 _

1 "It being known to the court that A.B., together
2 with (Sureties) _____ , agreed to pay the State of Alabama (or
3 City of _____,) _____ dollars (the sum specified in the
4 undertaking), unless A.B. appeared at the time and place
5 mentioned and fixed in the bond or undertaking to answer in
6 this case and A.B. having failed to appear at the time and
7 place mentioned in the bond or undertaking, it is therefore
8 ordered by the court that the State of Alabama (or City of
9 _____,) for the use of _____ State (or City), recover of the
10 defendant and sureties on the undertakings, the sum of _____
11 dollars (the sum specified in the undertaking), unless they
12 file a written response and show cause why this judgment
13 should not be made absolute within ~~28~~ 180 days of the date of
14 service of this conditional forfeiture order.

15 "(c) The state shall remit one-half of the funds it
16 receives under subsections (a) and (b) to the county in which
17 the defendant was charged. The funds shall be deposited into
18 the general fund of the county and used for the maintenance
19 and operation of the county jail.

20 "§15-13-132.

21 "A notice of the rendition of the judgment set forth
22 in Section 15-13-131 shall be issued by the clerk of the court
23 and served according to the terms as established in this
24 article within 90 days ~~of the court's conditional forfeiture~~
25 ~~order to the defendant and sureties. The notice may be in the~~
26 ~~following form~~ after the defendant fails to appear in court:

1 "STATE OF ALABAMA _____
2 "(or City of _____) Defendant

3 vs

5 "_____ County _____

6 "Surety

7 "Case No. _____ _____

8 "Surety

9 "Charge: _____

10 "Conditional Forfeiture Notice

12 "To: _____ Court

13 "Defendant

14 "_____ _____

15 "Surety

16 "You are hereby notified that your name appears as a
17 surety on the bond in the above styled case. This case was

1 called for trial on _____ (date) and the defendant was not
2 present to answer. Therefore, a conditional forfeiture of
3 _____ dollars was entered against you.

4 "You shall file a written response within ~~20~~ 180
5 days after you receive this notice and show cause to the court
6 why this bond amount and the court cost incident to this
7 forfeiture should not be made final.

8 "If no action on your part is taken ~~20~~ 180 days
9 after the date you receive this notice, a final forfeiture may
10 be entered against you by the court. The sheriff shall collect
11 the amount of the bond and court cost from you or levy on your
12 property to satisfy the forfeiture case. If you file a written
13 response and the court is of the opinion your written response
14 is not sufficient to set aside the conditional forfeiture,
15 then the court shall set a final forfeiture hearing date and
16 you will be notified at the address provided on the response.

17 "This bond forfeiture is a court case against you
18 separate from the defendant's criminal case. The court has
19 also ordered that the defendant be re-arrested in the original
20 case.

21 "Date issued: _____ By _____

22 "Clerk

23 "\$15-13-136.

1 "In forfeiture cases where the clerk of the court
2 has failed to issue the conditional forfeiture notice as
3 stipulated in Section 15-13-132 and where there has been no
4 service as set out in Section 15-13-134 made within 90 days ~~of~~
5 after the order of the court defendant failing to appear as
6 set out in Section 15-13-131, and where the sureties have
7 complied with Section 15-13-133, then the sureties shall be
8 discharged from all liability of the bail and the conditional
9 judgment shall be set aside against ~~such~~ those sureties.

10 "§15-13-137.

11 "If the defendants appear and show sufficient cause
12 for the default to be determined by the court, the conditional
13 judgment shall be set aside. If the excuse is not sufficient,
14 or if the defendant or sureties fail to appear at the final
15 forfeiture hearing, the judgment ~~shall~~ may be made absolute
16 for the entire sum expressed in the undertaking, or any
17 portion thereof according to the circumstances.

18 "§15-13-138.

19 "(a) The court shall set aside the conditional
20 forfeiture in its entirety for the following reasons or under
21 the following circumstances:

22 "(1) If the sureties can show that the defendant was
23 hospitalized at the time he or she was to appear in court, or
24 if the sureties can produce sufficient evidence that the
25 defendant was not able to attend court for reason of illness,
26 by producing a doctor's certificate or letter to that effect.
27 The hospitalization may be in or out of ~~the State of Alabama~~

1 this state. For the sureties to take advantage of this
2 ~~provision~~ subdivision, they shall put the court on notice that
3 the situation exists either prior to the issuance of the
4 conditional forfeiture order or within ~~28~~ 180 days after legal
5 service of the conditional forfeiture on the sureties. After
6 receiving notice, the court may continue the case to a future
7 date it deems proper and just for the defendant to appear. If
8 at that time the defendant is still not able to attend court
9 for the same reason, then it shall be the burden of the
10 sureties to produce the evidence within the same prescribed
11 time. This section ~~shall~~ does not bar the court from the
12 issuance of a bench warrant for the defendant in cases where
13 the court feels that documents of proof do not reflect the
14 truth, or where the court has reason to believe the defendant
15 may appear and he or she is using ~~such~~ the documents of proof
16 as an excuse to avoid appearance.

17 "(2) If the sureties show that the defendant was
18 confined in jail or in the custody of another jurisdiction in
19 ~~the State of Alabama~~ this state or any other state, at the
20 time of his or her original appearance or on the date of the
21 issuance of the conditional forfeiture order, or if the surety
22 shows that the defendant is still confined in any jail in ~~the~~
23 ~~State of Alabama~~ this state or any other state, or in the
24 custody of another jurisdiction within ~~the State of Alabama~~
25 this state or any other state, or in the custody of another
26 jurisdiction within the continental United States, including
27 United States federal jurisdiction, the court shall set aside

1 the conditional forfeiture and continue the case until a time
2 after the end of that confinement. If the court later learns
3 that the defendant is free from confinement before the
4 confinement was supposed to end, then the court, with notice
5 to the sureties, may reset the case and the burden shall be on
6 the sureties to produce the defendant for the hearing or the
7 court may issue another conditional forfeiture.

8 "(3) If the sureties show the defendant is deceased.

9 "(4) If the sureties show the defendant was serving
10 on active duty in one of the military services of the United
11 States.

12 "(b) The bondsman's process shall remain in full
13 effect until such time as the case is disposed of by the
14 court.

15 "§15-13-142.

16 "Only a judicial officer may release a person on
17 judicial public bail. The judicial officer shall have
18 jurisdiction over the case and defendant in order to release
19 the defendant on judicial public bail. The judicial officer
20 shall have a hearing for the person and determine if the
21 person meets the requirements of this article. If the
22 defendant has ever failed to appear before any court or pay
23 any costs, and he or she is charged with a felony, the
24 defendant shall not be released on judicial public bail.

25 "§15-13-145.

26 "Any person charged with a felony, misdemeanor, or
27 violation shall be eligible for a judicial public bail, if:

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

4 "(2) The person has not been convicted of a previous
5 felony or committed a felony while being released on any form
6 of bail.

7 "(3) The person is not presently under a suspended
8 sentence or on probation or parole for a previous conviction
9 on a misdemeanor or a felony.

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

14 "§15-13-160.

15 "No professional bail company shall execute or
16 become surety on any appearance bond in this state, unless ~~it~~
17 the company has an order granting authorization to become
18 professional surety on any bail. The order granting
19 authorization shall be reissued annually prior to January 1 of
20 each year by the presiding circuit judge of the county in
21 which the company desires to execute bail or appearance bonds.
22 Prior to the judge's issuance of the original order and no
23 later than December 1 of each year, thereafter, professional
24 bail companies shall submit annually to the presiding circuit
25 judge the following:

26 "(1)a. An original corporate surety bond or escrow
27 agreement, filed and approved by the presiding circuit judge

1 of the county in which the professional bail company executes
2 or becomes surety on appearance bonds, in the amount of
3 ~~\$25,000~~ twenty-five thousand dollars (\$25,000), guaranteeing
4 the payment of all sums of money that may become due by virtue
5 of any judgment absolute that may be rendered against the
6 professional bail company on a forfeiture entered by any court
7 in the county. Corporate surety bonds shall be executed only
8 by a surety company authorized to do business in ~~the State of~~
9 ~~Alabama~~ this state and qualified to write bonds by the
10 Department of Insurance. The corporate surety bond shall
11 provide that it may be cancelled as to any future liability by
12 the corporate surety company or the professional bail company
13 giving 30 days prior written notice of the cancellation to the
14 clerk of the circuit court in which the bond or instrument was
15 filed. A bank in ~~the State of Alabama~~ this state shall be a
16 party to all escrow agreements, and those agreements shall
17 provide that the agreement may be cancelled as to any future
18 liability only by the professional bail company and bank
19 giving 30 days prior written notice of the cancellation to the
20 clerk of the circuit court in which the escrow agreement or
21 instrument is filed. Once a professional bail company has
22 filed an original continuous corporate surety bond or escrow
23 agreement with the circuit clerk and it has been approved by
24 the presiding circuit judge, then the professional bail
25 company does not have to file any other original continuous
26 corporate surety bond or escrow agreement upon annual
27 recertification. The professional bail company shall submit an

1 original certificate from the insurance company which executed
2 the corporate surety bond reflecting that it is still in force
3 or an original letter from the bank stating the escrow
4 agreement is still effective and the ~~moneys~~ monies are still
5 held in trust. When any professional bail company is annually
6 recertifying, the circuit clerk shall send the original
7 corporate surety bond or original escrow agreement with any
8 cancellations received by the circuit clerk to the presiding
9 circuit judge for review and approval.

10
11 "b. Any new original corporate surety bond or escrow
12 agreement made after the effective date of the act adding this
13 paragraph, in a county with a population of 200,000 or more,
14 shall require a surety bond or escrow agreement in the amount
15 of fifty thousand dollars (\$50,000). This paragraph does not
16 affect any corporate surety bond or escrow agreement made
17 before the effective date of the act adding this paragraph.
18 Current escrow agreements shall remain at twenty-five thousand
19 dollars (\$25,000) for any renewal thereafter.

20 "(2) An original qualifying power of attorney,
21 letter, or other document issued by the professional bail
22 company specifying any applicable limitations and specifying
23 the agents who are authorized to execute and bind the
24 professional bail company to a bail undertaking or to
25 appearance bonds. The qualifying power of attorney, letter, or
26 other document may only name persons as agents.

1 "(3) An original affidavit or certificate in
2 writing, under oath, executed by an owner or officer of a
3 professional bail company, to the clerk of the circuit court
4 of the county in which the professional bail company shall
5 execute or become surety on appearance bonds which contains
6 the following:

7 "a. That all appearance bonds shall be executed in
8 the name of the professional bail company as surety by the
9 agents listed or appointed in the qualifying power of
10 attorney, letter, or other document presented to the court or
11 any other person so named in any future qualifying powers of
12 attorney, letters, or documents filed with the circuit clerk
13 of the county.

14 "b. That the professional bail company is qualified
15 to do business in this state and its resident address.

16 "c. That the professional bail company has
17 sufficient financial net worth to satisfy its obligations as a
18 surety.

19 "d. That no person having a direct or indirect
20 financial interest in the professional bail company has been
21 convicted of a felony or a crime involving moral turpitude.
22 Notwithstanding the foregoing, if any person having a direct
23 or indirect financial interest in the bonding business has
24 been convicted of a felony or a crime involving moral
25 turpitude, then the person making the certification shall
26 certify that there has been a conviction, provide the name of

1 the person convicted, and certify that the person convicted
2 has been pardoned or has had a restoration of civil rights.

3 "e. That the professional bail company has no
4 knowledge of any forfeiture that has been made final for more
5 than 30 days that has not been paid arising out of surety
6 undertakings and as to which the professional bail company has
7 no petitions, motions, or other litigation matters pending.

8 "f. That there are no persons, including employees,
9 agents, or persons with a financial interest in the
10 professional bail company, who, within a period of two years,
11 violated this chapter, or any rules adopted by the Supreme
12 Court governing the qualifications of professional surety or
13 bail companies.

14 "g. That no employee, agent, or any other person
15 having a direct or indirect financial interest in the
16 professional bail company is an attorney, a judicial official,
17 a person authorized to accept an appearance bond, or an agent
18 of an attorney, judicial official, or person authorized to
19 accept an appearance bond.

20 "h. The names and addresses of all officers,
21 employees, and agents of the professional bail company who
22 have a direct or indirect financial interest in the
23 professional bail company and the nature and extent of each
24 interest.

25 "§15-13-164.

26 "(a) Any person who becomes surety on any bail for a
27 defendant in this state and receives something of value or

1 charges a fee therefor, and who is not authorized as a
2 professional surety or bail company under this chapter shall
3 be guilty of a Class A misdemeanor and, upon conviction, shall
4 be sentenced in accordance with the laws of this state for
5 such an offense.

6 "(b) Any defendant who provides false information to
7 the court or to the sureties on any bail bond forms or
8 contracts shall be guilty of a Class A misdemeanor and, upon
9 conviction, shall be sentenced in accordance with the laws of
10 this state for the offense.

11 "Any surety who exchanges sexual services in
12 exchange for bail bond services shall be guilty of a Class A
13 misdemeanor and, upon conviction, shall be sentenced in
14 accordance with the laws of this state for the offense."

15 Section 2. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, as amended
19 by Amendment 890, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended, because the bill defines a new crime or amends the
22 definition of an existing crime.

23 Section 3. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.