



House Judiciary Reported Substitute for HB410

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A BILL
TO BE ENTITLED
AN ACT

Relating to court finances, bail jumping, the Alabama Bail Reform Act of 1993, and the Alabama Bail Bond Regulatory Act; to amend Sections 12-19-311, 13A-10-40, 15-13-118, 15-13-129, 15-13-131, 15-13-138, 15-13-147, 15-13-155, 15-13-159, 15-13-160, 15-13-201, 15-13-202, 15-13-203, 15-13-205, 15-13-210, 15-13-211, and 15-13-217, Code of Alabama 1975; to provide for the dismissal of certain fees; to increase the penalties for the crime of bail jumping; to provide further for conditional forfeitures; to provide further for the requirements of out-of-state bondsmen and sureties; to provide further for limitations on property owners as sureties; to provide further for the definition of an employee of a professional bail company or professional surety company; to provide further for the licensing and duties of apprentices; to increase the membership of the Alabama Professional Bail Bonding Board; to provide for a late fee for renewals; and to require applicants for licensing to residents of this state for at least one year.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-19-311, 13A-10-40, 15-13-118,



House Judiciary Reported Substitute for HB410

29 15-13-129, 15-13-131, 15-13-138, 15-13-147, 15-13-155,
30 15-13-159, 15-13-160, 15-13-201, 15-13-202, 15-13-203,
31 15-13-205, 15-13-210, 15-13-211, and 15-13-217 of the Code of
32 Alabama 1975, are amended to read as follows:

33 "§12-19-311

34 (a) (1) In addition to all other charges, costs, taxes,
35 or fees levied by law on bail bonds, additional fees as
36 detailed in paragraph a. and paragraph b. shall be imposed on
37 every bail bond in all courts of this state.

38 The fee shall not be assessed in traffic cases, except
39 for those serious traffic offenses enumerated in ~~Title 32,~~
40 ~~Chapter 5A,~~ Article 9 of Chapter 5A, Title 32. Where multiple
41 charges arise out of the same incident, the bond fee pursuant
42 to this section shall only be assessed on one charge. For the
43 purposes of this section, the term "same incident" shall be
44 defined as the same date, location, and proximate time. Where
45 the charge is negotiating a worthless negotiable instrument,
46 the fee shall not be assessed more than three times annually
47 per person charged. The fees shall be assessed as follows:

48 a. A filing fee in the amount of thirty-five dollars
49 (\$35) on each bond executed.

50 b. For a misdemeanor offense, a bail bond fee in the
51 amount of 3.5 percent of the total face value of the bail bond
52 or one hundred dollars (\$100), whichever is greater, but not
53 to exceed four hundred fifty dollars (\$450). For a felony
54 offense, a bail bond fee of 3.5 percent of the total face
55 value of the bail bond or one hundred fifty dollars (\$150),
56 whichever is greater, but not to exceed seven hundred fifty



House Judiciary Reported Substitute for HB410

57 dollars (\$750). Except that if a person is released on a
58 judicial public bail, recognizance, or signature bond,
59 including a bond on electronic traffic and nontraffic
60 citations, the fee shall be affixed at twenty-five dollars
61 (\$25). For purposes of this section, face value of bond shall
62 mean the bond amount set by court or other authority at
63 release, not the amount posted at release on bail.

64 (2) The fees assessed pursuant to paragraph (1)a. ~~of~~
65 ~~subdivision (1) of subsection (a)~~ are required whether the
66 release from confinement or admittance to bail is based on
67 cash, judicial public bail, personal recognizance, a signature
68 bond, including a bond on electronic traffic and nontraffic
69 citations for those serious traffic offenses enumerated in
70 ~~Title 32, Chapter 5A,~~ Article 9 of Chapter 5A, Title 32, an
71 appearance bond, a secured appearance bond utilizing security,
72 a bond executed by a professional surety company, or a
73 professional bail company using professional bondsmen;
74 provided, however, that no fee shall be assessed pursuant to
75 paragraph (1)a. ~~of subdivision (1) of subsection (a)~~ if a
76 person is released on judicial public bail or on personal
77 recognizance for a documented medical reason. The fee shall be
78 assessed at the issuance, reissuance, or reinstatement of the
79 bond.

80 (b) The fee in paragraph (a) (1)a. ~~of subdivision (1) of~~
81 ~~subsection (a)~~ shall be collected by either the official
82 executing the bond or by the clerk of the court. If the fee is
83 collected by the official executing the bond, it shall be
84 collected at the execution of the bond or at the time of

**House Judiciary Reported Substitute for HB410**

85 release. If the fee is collected by the clerk of the court, it
86 shall be collected at the execution of the bond, at the time
87 of release, or within two business days of release. The fee
88 may be remitted via money order, electronic means, U.S. mail
89 to the court clerk postmarked within 48 hours of release, or
90 by any other method approved by the sheriff. If the fee is
91 collected by an official other than the clerk of the court,
92 the official shall remit the fee to the clerk of the court,
93 attached to the executed bond, within 30 days or upon
94 adjudication or conviction of the underlying offense,
95 whichever occurs first; if the fee is not collected by the
96 official, the official shall provide documentation of the
97 nonpayment, attached to the executed bond, to the clerk of the
98 court within two business days. The clerk of the court may
99 accept the payment of the fee if the clerk has the executed
100 bond, together with proof of nonpayment and charging
101 instrument, in hand. This fee shall be paid by the bondsman,
102 surety, guaranty, or person signing as surety for the
103 undertaking of bail. If the person is released on own
104 recognizance, judicial public bail, or non-custodial offense
105 pursuant to Rule 20 of the Alabama Rules of Judicial
106 Administration, the fee shall be assessed at the time of
107 adjudication or at the time that any other fees and costs are
108 assessed.

109 (c) Upon the failure to pay the fee in paragraph
110 (a) (1) a. ~~of subdivision (1) of subsection (a)~~ and upon a
111 finding of contempt in subsection (d), the bondsman, surety,
112 guaranty, or individuals required to pay the fee shall be

**House Judiciary Reported Substitute for HB410**

113 punished by a fine of not less than five hundred dollars
114 (\$500) in addition to the fee imposed in paragraph (a) (1)a.~~of~~
115 ~~subdivision (1) of subsection (a).~~ The fine shall not be
116 remitted, waived, or reduced unless the ~~person(s)~~ person or
117 persons fined can show cause to the court that he or she
118 cannot pay the fine in the reasonably foreseeable future. In
119 addition, upon a finding of contempt, if the responsible party
120 is a professional surety company or a professional bail
121 company or otherwise operating as a bondsman under Alabama
122 law, the presiding judge may revoke the entity or individual's
123 authority to write or issue bonds pursuant to Section
124 15-13-159 or 15-13-160 until such time as the payment is
125 rendered in full.

126 (d) If the fee in paragraph (a) (1)a.~~of subdivision (1)~~
127 ~~of subsection (a)~~ is not paid in full within 30 days, the
128 clerk of the court shall provide notification of the
129 delinquency to the district attorney or prosecuting attorney
130 on a monthly basis. Upon receipt of the certification of
131 delinquency or failure to pay from the court, the district
132 attorney or prosecuting attorney may take appropriate action
133 which may include, but shall not be limited to, contempt
134 proceedings. If contempt proceedings are initiated, the
135 district attorney or prosecuting attorney shall send notice by
136 U.S. ~~Mail~~mail to the last known address of the person charged
137 with the crime, bondsman, surety, guaranty, or person signing
138 as surety for the undertaking of bail of the failure to pay
139 and provide them 10 days to remit payment in full pursuant to
140 this section. If the surety is the person charged with the



House Judiciary Reported Substitute for HB410

141 crime where the fee applies, the district attorney or
142 prosecuting attorney may file a petition for contempt and the
143 court shall set the contempt hearing on the person's next
144 regularly scheduled court appearance. If the surety is not the
145 person charged with the crime, the district attorney or
146 prosecuting attorney may file a petition for contempt with the
147 court, which may, after hearing, find the bondsman, surety,
148 guaranty, or person signing as surety the undertaking of bail
149 in contempt. The municipal court clerk shall provide a list to
150 the prosecuting attorney and district attorney every 60 days
151 that shall include, but not be limited to, the name of every
152 person who has failed to pay the fee, the municipal case
153 number, and the name of the person signing as surety for the
154 undertaking bail. If the prosecuting authority of the
155 municipality does not initiate contempt proceedings pursuant
156 to this section within 30 days of receiving notice from the
157 clerk of the court, the district attorney with jurisdiction
158 may file the contempt petition in the municipal court. If the
159 district attorney initiates contempt proceedings in a
160 municipal case and the person is found in contempt, the fine
161 shall be distributed as follows: 50% percent to the general
162 fund of the municipality and 50% percent to the district
163 attorney ~~Solicitor's Fund~~ solicitor's fund.

164 (e) (1) The fee imposed on bail bonds under paragraph
165 (a) (1) ~~b. of subdivision (1) of subsection (a)~~ shall be
166 assessed to the defendant and be imposed by the court when the
167 defendant appears in court for adjudication or sentencing.

168 (2) Notwithstanding ~~(e)~~ subdivision (1), if the bail



House Judiciary Reported Substitute for HB410

169 bond has been secured by cash, the conditions of release have
170 been performed, and the defendant has been discharged from all
171 obligations of the bond, or if the cash bail bond is
172 forfeited, the clerk of the court ~~shall~~, unless otherwise
173 ordered by the court, shall retain as the bail bond fee the
174 amount pursuant to paragraph (a) (1)b. ~~of subdivision (1) of~~
175 ~~subsection (a)~~ and disburse the remainder as provided by law.

176 (3) Notwithstanding ~~(e)~~ subdivision (1), if the
177 property bail bond has been secured, the conditions of release
178 have been performed, and the defendant has been discharged or
179 released from all obligations of the bond, or if the property
180 bail bond is forfeited, then the bond shall be reduced to the
181 bail bond fee amount pursuant to paragraph (a) (1)b. ~~of~~
182 ~~subdivision (1) of subsection (a)~~ and the property shall not
183 be discharged or released by the court until the bail bond fee
184 pursuant to paragraph (a) (1)b. ~~of subdivision (1) of~~
185 ~~subsection (a)~~ has been paid in full.

186 (4) The fees shall be collected pursuant to paragraph
187 (a) (1)b. ~~of subdivision (1) of subsection (a)~~ by the clerk of
188 the court. The fees pursuant to this section shall not be
189 remitted, waived, or reduced unless the defendant proves to
190 the reasonable satisfaction of the sentencing judge that the
191 defendant is not capable of paying the same within the
192 reasonably foreseeable future. The fees pursuant to this
193 section shall not be remitted, waived, or reduced unless all
194 other costs, fees, and charges of court are remitted or
195 waived.

196 (5) The fees shall not reduce or affect the funds



House Judiciary Reported Substitute for HB410

197 allocated to the office of the court clerk, the sheriff, the
198 municipality, the district attorney, or the Alabama Department
199 of Forensic Sciences under any local act or other funding
200 mechanism under the law. These funds shall be in addition to
201 and not in lieu of any funds currently available to the office
202 of the court clerk, sheriff, municipality, the district
203 attorney, and the Alabama Department of Forensic Sciences.

204 (f) The court clerks shall distribute on a monthly
205 basis as other fees are distributed, the fees collected
206 pursuant to paragraph (a) (1) a. ~~of subdivision (1) of~~
207 ~~subsection (a)~~ as follows: Ten percent from each fee shall be
208 distributed either to the county general fund to be earmarked
209 and distributed to the ~~Sheriff's Fund~~ sheriff's fund,
210 administered by the sheriff, in the county where the bond was
211 executed or, where the bond is executed by the municipality,
212 to the municipality; 45 percent of the fee to the court
213 clerk's fund where the bond was executed or where the bond is
214 executed by the municipal court, to the municipality; 45
215 percent of the fee to the ~~Solicitor's Fund~~ solicitor's fund in
216 the county where the bond was executed. The bail bond fee
217 records shall be audited by the Department of Examiners of
218 Public Accounts.

219 (g) The court clerks shall distribute on a monthly
220 basis as other fees are distributed, the fees collected
221 pursuant to paragraph (a) (1) b. ~~of subdivision (1) of~~
222 ~~subsection (a)~~ as follows: Twenty-one dollars ~~and~~ fifty cents
223 (\$21.50) from each fee shall be distributed to the county
224 general fund which shall be earmarked and distributed to the



House Judiciary Reported Substitute for HB410

225 ~~Sheriff's Fund~~ sheriff's fund, administered by the sheriff, in
226 the county where the bond was executed or, where the bond was
227 executed by a municipality, to the municipality; 40 percent of
228 the remainder of the fee to the court clerk's fund where the
229 bond was executed or where the bond is executed by the
230 municipal court, to the municipality; 45 percent of the
231 remainder of the fee to the ~~Solicitor's Fund~~ solicitor's fund
232 in the county where the bond was executed; five percent to the
233 State General Fund and ~~ten~~10 percent to the Alabama Forensic
234 Services Trust Fund. The bail bond fee records shall be
235 audited by the Department of Examiners of Public Accounts.

236 (h) Bail bond fees that have been paid by check or
237 money order, have not been deposited, and have an expiration
238 date that has passed by more than 90 days shall be deemed
239 uncollected and the payee shall not be responsible for
240 replacement of the amount of the check or money order."

241 "§13A-10-40

242 (a) A person commits the crime of bail jumping in the
243 second degree if, having been lawfully released from custody,
244 with or without bail, upon condition that he or she will
245 subsequently appear at a specified time and place in
246 connection with a charge of his or her having committed any
247 misdemeanor or Class C felony, ~~he~~ the person fails to appear
248 at that time and place.

249 (b) It is a defense to prosecution under this section
250 that the defendant's failure to appear was unintentional or
251 was unavoidable and due to circumstances beyond his or her
252 control. The burden of injecting the defense of an



House Judiciary Reported Substitute for HB410

253 unintentional failure to appear, or unavailability and
254 circumstances beyond his or her control, is on the defendant.

255 (c) This section does not apply to a person released
256 from custody on condition that he or she will appear in
257 connection with a charge of having committed a misdemeanor in
258 violation of Title 32 ~~of this Code~~.

259 (d) Bail jumping in the second degree is a Class ~~A~~
260 ~~misdemeanor~~ D felony."

261 "§15-13-118

262 After the entry of a conditional forfeiture against any
263 surety on an undertaking of bail, the surety may arrest the
264 defendant as provided in Section 15-13-117, and the arrest and
265 delivery of the defendant to the authorized jail as stated in
266 Section 15-13-117 shall ~~not~~ exonerate the surety ~~unless, in~~
267 ~~the judgment of the court, a good and sufficient cause is~~
268 ~~given for the failure of the defendant to appear at the time~~
269 ~~the conditional judgement was entered."~~

270 "§15-13-129

271 All out-of-state bondsmen or sureties ~~from out of the~~
272 ~~State of Alabama~~ who come to this state to make an arrest
273 shall be exempt from having a bondsman's process to arrest a
274 person for which he or she is a surety on bail in another
275 state; but he or she shall have a certified copy of the
276 undertaking of bail for which he or she is surety, shall be
277 accompanied by a licensee of the Alabama Professional Bail
278 Bonding Board, and shall notify law enforcement for the area
279 where he or she plans to arrest the defendant. His or her
280 right to arrest shall otherwise be in conformity with the

**House Judiciary Reported Substitute for HB410**

281 common law."

282 "§15-13-131

283 (a) When a defendant fails to appear in court as
284 required by the undertaking of bail and no sufficient excuse
285 has been provided to the court prior to the hearing, the court
286 shall order a conditional forfeiture and show cause order
287 against the defendant and the sureties of the bail within 90
288 days after the defendant's failure to appear date. The court
289 shall notify the defendant and sureties of the order as set
290 out in this article. The defendant or sureties, or both, shall
291 file a written response with the clerk of the court within 30
292 days after the date of service of the notice as to why the
293 bond should not be forfeited. If a written response is filed
294 within the time allowed and the court is of the opinion the
295 written response is sufficient, the court shall set aside the
296 conditional forfeiture. If the court is of the opinion the
297 written response is not sufficient, the court shall set a
298 hearing to determine whether the bond should be forfeited. The
299 hearing shall not be set less than 120 days after the service
300 of the conditional forfeiture order. If no written response
301 has been filed after 30 days from the date of service of the
302 notice, the court may enter an appropriate order or final
303 judgment forfeiting all or part of the amount of the bond
304 which shall be enforceable as any civil judgment. The court
305 may take into consideration the circumstances provided to the
306 court and continue any final forfeiture hearing to another day
307 and time allowing the sureties more time to apprehend the
308 defendant.



House Judiciary Reported Substitute for HB410

309 (b) When an undertaking of bail is forfeited by the
310 failure of the defendant to appear as required, except when
311 money is deposited as cash bail, a conditional judgment shall
312 be rendered by the court in favor of the state or its
313 subdivisions, for the use of the proper city, county, or
314 state, against the parties to the undertaking for the sum
315 thereon expressed, which judgment may be substantially as
316 follows:

317 (State of or City of) Charge: _____ vs Case No.
318 _____ A.B. _____ C.D. _____ E.F.
319 (Sureties) _____

320 It being known to the court that A.B., together with
321 (Sureties) _____, agreed to pay the State of Alabama (or City
322 of _____,) _____ dollars (the sum specified in the
323 undertaking), unless A.B. appeared at the time and place
324 mentioned and fixed in the bond or undertaking to answer in
325 this case and A.B. having failed to appear at the time and
326 place mentioned in the bond or undertaking, it is therefore
327 ordered by the court that the State of Alabama (or City of
328 _____,) for the use of _____ State (or City), recover of the
329 defendant and sureties on the undertakings, the sum of _____
330 dollars (the sum specified in the undertaking), unless they
331 file a written response and show cause why this judgment
332 should not be made absolute within 30 days after the date of
333 service of this conditional forfeiture order.

334 (c) The state shall remit one-half of the funds it
335 receives under subsections (a) and (b) to the county in which
336 the defendant was charged. The funds shall be deposited into



House Judiciary Reported Substitute for HB410

337 the general fund of the county and used for the maintenance
338 and operation of the county jail."

339 "§15-13-138

340 The court shall set aside the conditional forfeiture in
341 its entirety for the following reasons or under the following
342 circumstances:

343 (1) If the sureties can show that the defendant was
344 hospitalized at the time he or she was to appear in court, or
345 if the sureties can produce sufficient evidence that the
346 defendant was not able to attend court for reason of illness,
347 by producing a doctor's certificate or letter to that effect.
348 The hospitalization may be in or out of this state. For the
349 sureties to take advantage of this subdivision, they shall put
350 the court on notice that the situation exists either prior to
351 the issuance of the conditional forfeiture order or within 30
352 days after legal service of the conditional forfeiture on the
353 sureties. After receiving notice, the court may continue the
354 case to a future date it deems proper and just for the
355 defendant to appear. If, at that time, the defendant is still
356 not able to attend court for the same reason, then it shall be
357 the burden of the sureties to produce the evidence within the
358 same prescribed time. This section does not bar the court from
359 the issuance of a bench warrant for the defendant in cases
360 where the court feels that documents of proof do not reflect
361 the truth, or where the court has reason to believe the
362 defendant may appear and he or she is using the documents of
363 proof as an excuse to avoid appearance.

364 (2) If the sureties ~~show~~ file notice of the defendant's

**House Judiciary Reported Substitute for HB410**

365 whereabouts with the court that the defendant was confined in
366 jail or in the custody of another jurisdiction in this state
367 or any other state, at the time of his or her original
368 appearance or on the date of the issuance of the conditional
369 forfeiture order, or if the surety shows that the defendant is
370 still confined in any jail in this state or any other state,
371 or in the custody of another jurisdiction within this state or
372 any other state, or in the custody of another jurisdiction
373 within the continental United States, including United States
374 federal jurisdiction, the court shall set aside the
375 conditional forfeiture and continue the case until a time
376 after the end of that confinement. If the court later learns
377 that the defendant is free from confinement before the
378 confinement was supposed to end, then the court, with notice
379 to the sureties, may reset the case and the burden shall be on
380 the sureties to produce the defendant for the hearing or the
381 court may issue another conditional forfeiture.

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

383 (4) If the sureties show the defendant was serving on
384 active duty in one of the military services of the United
385 States.

386 (5) If the surety arrests the defendant and delivers
387 the defendant to the authorized jail and the jail refuses to
388 accept defendant.

389 (6) If a defendant has failed to appear before the
390 court and the governing authorities decline to enter the
391 defendant into the National Crime Information Center database
392 with nationwide extradition on the felony charge or the surety

**House Judiciary Reported Substitute for HB410**

393 is not given the option of transporting the defendant or being
394 allowed to pay the costs of extradition the surety shall be
395 discharged. The defendant shall be charged the costs of
396 extradition and those costs shall be reimbursed to the surety
397 or governing authority which paid the cost."

398 **"§15-13-147**

399 **(a) In determining the restrictions and conditions of**
400 **release that will assure the appearance of a person as**
401 **required, and safety of any other person or the community, the**
402 **judicial officer shall, on the basis of available information,**
403 **take into account such matters as the nature and**
404 **circumstances of the offense charged, the weight of the**
405 **evidence against the person, family ties, employment,**
406 **financial resources, character and mental condition, past**
407 **conduct, length of residence in the community, record of**
408 **convictions, and any record of appearance at court proceedings**
409 **or failure to appear at court proceedings as well as any**
410 **objection or recommendation of the district attorney or**
411 **prosecutor.**

412 **(b) As a condition of release, the court may require a**
413 **defendant to post a cash bail with the clerk of the court, in**
414 **addition to any bail amount set that the court deems necessary**
415 **to assure the appearance of a person as required, the safety**
416 **of any one person, or the safety of the community."**

417 **"§15-13-155**

418 **(a) A property owner shall not execute or become surety**
419 **for more than four different persons in any one year, other**
420 **than immediate family members, unless the property owner**



House Judiciary Reported Substitute for HB410

421 qualifies and meets the requirements set out in this article
422 for professional surety or professional bail companies. A
423 property owner who becomes surety on bail in accordance with
424 this article may not charge a fee or receive anything of value
425 as a consideration thereof.

426 (b) If a parcel of real property is pledged as surety
427 on a bond, that same parcel of real property may not be
428 pledged as surety again until the earlier case is concluded.

429 (c) A property owner who charges a fee or collects
430 anything of value for the use of his or her property as surety
431 shall be guilty of a Class A misdemeanor."

432 "§15-13-159

433 No professional surety company shall execute or become
434 surety on any appearance bond in this state, unless it has an
435 order granting authorization to become professional surety on
436 any bail. The order granting the authorization shall be
437 reissued annually, prior to January 1 of each year, by the
438 presiding circuit judge of the county in which the company
439 desires to execute bail or appearance bonds. A new applicant
440 to become a professional surety company shall be approved or
441 denied within 90 days after application. Prior to the judge's

442 issuance of the original order and no later than December 1 of
443 each year, thereafter, professional surety companies shall
444 submit annually to the presiding circuit judge the following:

445 (1) An original or certified copy of a certificate of
446 authority or certificate of compliance from the Department of
447 Insurance reflecting that the company is qualified to write a
448 bail line of insurance and that the company is in good



House Judiciary Reported Substitute for HB410

449 standing with the department.

450 (2) An original qualifying power of attorney issued by
451 the professional surety company, specifying any applicable
452 limitations and the names of the agents that may execute and
453 bind the company to a bail undertaking. The qualifying power
454 of attorney shall not name any company, corporation, or other
455 entity as an agent except a person as defined as a
456 professional bondsman in [Section 15-13-101 of](#) Division 1,
457 ~~Section 15-13-100~~, and that person shall be an agent of the
458 company licensed with the Department of Insurance.

459 (3) A copy of the license issued by the Department of
460 Insurance of each agent who is named in or appointed by the
461 qualifying power of attorney in subdivision (2) or a letter or
462 other documentation from the department indicating that the
463 appointed agents are temporarily licensed as agents of the
464 professional surety company for those lines of insurance.

465 (4) An affidavit or certification in writing, under
466 oath, executed by a licensed agent of the professional surety
467 company who is the manager or an owner or president of a
468 corporation, company, partnership, or other entity that
469 represents the professional surety company, filed with the
470 clerk of the circuit court of each county in which the
471 professional surety company executes or becomes surety on
472 appearance bonds, stating the following:

473 a. That all appearance bonds shall be executed in the
474 name of the professional surety company as surety by the
475 agents listed or appointed in the qualifying power of attorney
476 presented to the court or any other qualifying powers of



House Judiciary Reported Substitute for HB410

477 attorney filed with the circuit clerk of the county.

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

481 c. That any agency, company, corporation, or other
482 entity that represents the professional surety company in the
483 county, has no owners or other persons having a direct or
484 indirect financial interest in such agency, company,
485 corporation, or other entity, that have been convicted of a
486 felony or a crime involving moral turpitude. If any person
487 having a direct or indirect financial interest in ~~such~~ the
488 agency, company, corporation, or other entity has been
489 convicted of a felony or a crime involving moral turpitude,
490 then the affidavit or certification shall certify that there
491 has been ~~such~~ a conviction, providing the name of the person
492 convicted, and certify that the person convicted has been
493 pardoned or has had a restoration of civil rights.

494 d. That the professional surety company has no
495 knowledge of forfeitures that have been final for more than 30
496 days that have not been paid to the clerk of the court arising
497 out of surety undertaking, and that the professional surety
498 company has no petitions, motions, or other litigation matters
499 pending.

500 e. That no agents of the professional surety company
501 who have the authority to execute appearance bonds in its
502 behalf or any person having a financial interest, direct or
503 indirect, in the ownership or management of any agency,
504 company, corporation, or other entity that represents the



House Judiciary Reported Substitute for HB410

505 professional surety company in the execution of appearance
506 bonds, is an attorney, a judicial official, a person
507 authorized to accept an appearance bond, or an agent of an
508 attorney, judicial official, or person authorized to accept an
509 appearance bond.

510 f. The names and addresses of all persons, officers,
511 employees, and agents of the agency, company, corporation, or
512 other entity that represents the professional surety company
513 becoming surety on appearance bonds who have a direct or
514 indirect financial interest in the agency, company,
515 corporation, or other entity representing the professional
516 surety company and the nature and extent of each interest.

517 g. That those persons stated in this section have not,
518 within a period of two years, violated ~~any provisions of~~ this
519 chapter or any rules adopted by the Supreme Court of Alabama
520 in accordance with this chapter.

521 (5) A copy of the current license issued by the Alabama
522 Professional Bail Bonding Board pursuant to the Alabama Bail
523 Bond Regulatory Act, Article 8."

524 "§15-13-160

525 (a) No professional bail company shall execute or
526 become surety on any appearance bond in this state, unless the
527 company has an order granting authorization to become
528 professional surety on any bail. The order granting
529 authorization shall be reissued annually prior to January 1 of
530 each year by the presiding circuit judge of the county in
531 which the company desires to execute bail or appearance bonds.
532 Prior to the judge's issuance of the original order and no



House Judiciary Reported Substitute for HB410

533 later than December 1 of each year, thereafter, professional
534 bail companies shall submit annually to the presiding circuit
535 judge the following:

536 (1)a. An ~~original corporate surety bond or~~ escrow
537 agreement, filed and approved by the presiding circuit judge
538 of the county in which the professional bail company executes
539 or becomes surety on appearance bonds, in the amount of
540 twenty-five thousand dollars (\$25,000), guaranteeing the
541 payment of all sums of money that may become due by virtue of
542 any judgment absolute that may be rendered against the
543 professional bail company on a forfeiture entered by any court
544 in the county. Corporate surety bonds shall be executed only
545 by a surety company that at the time is operating and
546 authorized to do business in the this state and qualified to
547 write bonds by the Department of Insurance. The corporate
548 surety bond shall provide that it may be ~~cancelled~~ canceled as
549 to any future liability by the corporate surety company or the
550 professional bail company giving 30 days prior written notice
551 of the cancellation to the clerk of the circuit court in which
552 the bond or instrument was filed. A bank in this state shall
553 be a party to all escrow agreements, and those agreements
554 shall provide that the agreement may be ~~cancelled~~ canceled as
555 to any future liability only by the professional bail company
556 and bank giving 30 days prior written notice of the
557 cancellation to the clerk of the circuit court in which the
558 escrow agreement or instrument is filed. Once a professional
559 bail company has filed an original continuous corporate surety
560 bond or escrow agreement with the circuit clerk and it has



House Judiciary Reported Substitute for HB410

561 been approved by the presiding circuit judge, then the
562 professional bail company does not have to file any other
563 original continuous corporate surety bond or escrow agreement
564 upon annual recertification. The professional bail company
565 shall submit an original certificate from the insurance
566 company that executed the corporate surety bond reflecting
567 that ~~it~~ the corporate surety bond is still in force or an
568 original letter from the bank stating the escrow agreement is
569 still effective and the monies are still held in trust. When
570 any professional bail company is annually recertifying, the
571 circuit clerk shall send the original corporate surety bond or
572 original escrow agreement with any cancellations received by
573 the circuit clerk to the presiding circuit judge for review
574 and approval.

575 b. Any new ~~original corporate surety bond or~~ escrow
576 agreement made ~~on or after September 1, 2023~~ after October 1,
577 2025, in a county with a population of 200,000 or more, shall
578 require ~~a surety bond or~~ an escrow agreement in the amount of
579 fifty thousand dollars (\$50,000). This paragraph does not
580 affect any corporate surety bond or escrow agreement made
581 before ~~September 1, 2023~~ October 1, 2025. Current escrow
582 agreements and corporate surety bonds shall remain at
583 twenty-five thousand dollars (\$25,000) for any renewal
584 thereafter.

585 (2) An original qualifying power of attorney, letter,
586 or other document issued by the professional bail company
587 specifying any applicable limitations and specifying the
588 agents who are authorized to execute and bind the professional



House Judiciary Reported Substitute for HB410

589 bail company to a bail undertaking or to appearance bonds. The
590 qualifying power of attorney, letter, or other document may
591 only name persons as agents.

592 (3) An original affidavit or certificate in writing,
593 under oath, executed by an owner or officer of a professional
594 bail company, to the clerk of the circuit court of the county
595 in which the professional bail company shall execute or become
596 surety on appearance bonds which contains all of the
597 following:

598 a. That all appearance bonds shall be executed in the
599 name of the professional bail company as surety by the agents
600 listed or appointed in the qualifying power of attorney,
601 letter, or other document presented to the court or any other
602 person so named in any future qualifying powers of attorney,
603 letters, or documents filed with the circuit clerk of the
604 county.

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

607 c. That the professional bail company has sufficient
608 financial net worth to satisfy its obligations as a surety.

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

612 Notwithstanding the foregoing, if any person having a direct
613 or indirect financial interest in the bonding business has
614 been convicted of a felony or a crime involving moral
615 turpitude, then the person making the certification shall
616 certify that there has been a conviction, provide the name of



House Judiciary Reported Substitute for HB410

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

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

624 f. That there are no persons, including employees,
625 agents, or persons with a financial interest in the
626 professional bail company, who, within a period of two years,
627 violated this chapter, or any rules adopted by the Supreme
628 Court governing the qualifications of professional surety or
629 bail companies.

630 g. That no employee, agent, or any other person having
631 a direct or indirect financial interest in the professional
632 bail company is an attorney, a judicial official, a person
633 authorized to accept an appearance bond, or an agent of an
634 attorney, judicial official, or person authorized to accept an
635 appearance bond.

636 h. The names and addresses of all officers, employees,
637 and agents of the professional bail company who have a direct
638 or indirect financial interest in the professional bail
639 company and the nature and extent of each interest.

640 (b) A professional bondsman and professional surety
641 bondsman may not own a professional bail company until he or
642 she has been licensed as a professional bondsman or
643 professional surety bondsman for at least three years. If the
644 owner of a professional bail company dies or becomes



House Judiciary Reported Substitute for HB410

645 completely incapacitated, as determined by the board, his or
646 her professional bail bond company may be sold to an
647 unlicensed individual. The unlicensed individual shall have 90
648 calendar days, from date of purchase, to obtain a license and
649 shall employ a minimum of one employee who has been licensed
650 for at least three consecutive years."

651 "§15-13-201

652 For the purposes of this article, the following terms
653 ~~shall~~ have the following meanings:

654 (1) BOARD. Alabama Professional Bail Bonding Board.

655 (2) EMPLOYEE. An individual who is employed by a
656 professional bail company or professional surety company,
657 either as an agent or direct subordinate, who negotiates,
658 communicates written or verbal, or offers information about
659 obtaining bail, bail bond prices, or any other information
660 regarding the securing of a bail bond for another individual.

661 ~~(2)~~ (3) PROFESSIONAL BAIL COMPANY. A person, individual
662 proprietor, partnership corporation, or other entity, other
663 than a professional surety company, that furnishes bail or
664 becomes surety for a person on an appearance bond and does so
665 for a valuable consideration.

666 ~~(3)~~ (4) PROFESSIONAL BONDSMAN. Any individual or agent
667 who is employed by a professional bail company or professional
668 surety company to solicit and execute appearance bonds or
669 actively seek bail bond business for or on behalf of a
670 professional bail company, including any individual who has a
671 direct or indirect ownership interest in a professional bail
672 company.

**House Judiciary Reported Substitute for HB410**

673 ~~(4)~~ (5) PROFESSIONAL SURETY BONDSMAN. Any individual who
674 is employed by a professional surety company to solicit and
675 execute appearance bonds or actively seek bail bond business
676 for or on behalf of a professional surety company, including
677 any individual who has a direct or indirect ownership interest
678 in a professional surety company.

679 ~~(5)~~ (6) PROFESSIONAL SURETY COMPANY. An insurance
680 company, domestic or foreign corporation, or association
681 engaged in the business of insurance, or a surety with a bail
682 line of insurance to which has been issued a certificate of
683 authority or certificate of compliance by the Department of
684 Insurance to execute appearance bonds or bail bonds in
685 criminal cases in the state.

686 ~~(6)~~ (7) RECOVERY AGENT. Any individual, other than an
687 attorney or law enforcement officer, utilized by a
688 professional surety company, professional bail company, or
689 professional bondsman to apprehend a defendant who was
690 released on bail and who violated the terms of his or her
691 bail."

692 "§15-13-202

693 (a) An individual may not hold himself or herself out
694 to the public as a professional bondsman or a professional
695 surety bondsman, operate as a recovery agent, or use any term,
696 title, or abbreviation that expresses, infers, or implies that
697 the individual is licensed as a professional bondsman unless
698 the individual at the time holds a valid license as a
699 professional bondsman as provided in this article.

700 (b) All applicants shall pass an examination, unless



House Judiciary Reported Substitute for HB410

701 exempted by this article, based on criteria established by the
702 Alabama Professional Bail Bonding Board and established under
703 Section 15-13-203 and shall comply with the continuing
704 education requirements established by this article.

705 (c) The board may issue an apprentice license, which
706 expires ~~120~~ 180 days after issuance, to any applicant who
707 satisfies all criteria for licensure except passing the
708 examination. The board may require an applicant for licensure
709 as an apprentice to sign an affidavit, on a form provided by
710 the board, attesting that the applicant has no felony
711 convictions. The board may verify the applicant's criminal
712 history before the issuance of an apprentice license. The
713 board, by rule, may also provide an age exception to allow any
714 applicant who is 19 or 20 years of age to work as an
715 apprentice until he or she reaches ~~the age of~~ 21 years of age.
716 Before the expiration of his or her apprentice license, an
717 apprentice who is 19 or 20 years of age shall complete an
718 eight-hour continuing education instructional course conducted
719 by an educational provider approved by the Alabama
720 Professional Bail Bonding Board, at no cost to the apprentice.
721 The board may charge a fee, not exceeding fifty dollars (\$50),
722 for an apprentice license.

723 (d) An apprentice may perform all duties without direct
724 supervision, except for bail bond recovery work or the
725 apprehension of a fugitive. An apprentice shall have his or
726 her license available at all times."

727 "§15-13-203

728 (a) The Alabama Professional Bail Bonding Board is



House Judiciary Reported Substitute for HB410

729 created to administer and enforce this article. The board
730 shall consist of all of the following members:

731 (1) Seven professional bondsmen, one from each of the
732 seven congressional districts of the state, nominated by the
733 Alabama Bail Bond Association and appointed by the Governor
734 from a list of not more than four nominees for each position
735 on the board. For the initial terms of office, the President
736 of the Alabama Bail Bond Association shall be the professional
737 bondsman member of the board who represents the congressional
738 district in which he or she resides. Each professional
739 bondsman member appointed to the board shall be the owner of a
740 professional bail bond company with at least five years of
741 experience. Except as otherwise provided, no two professional
742 bondsman members shall reside in the same congressional
743 district. If no professional bondsman is available for
744 nomination by the Alabama Bail Bond Association for a
745 congressional district, the Alabama Bail Bond Association
746 shall provide a list of four professional bondsman nominees
747 from the state ~~at large~~ at-large to the Governor for that
748 congressional district, and the Governor shall appoint one of
749 those nominees to fill that position on the board.

750 (2) One serving or supernumerary circuit, district, or
751 municipal court judge, nominated by the Alabama Bail Bond
752 Association and appointed by the Governor from a list of four
753 nominees.

754 (3) One serving or supernumerary circuit or municipal
755 court clerk, nominated by the Alabama Bail Bond Association
756 and appointed by the Governor from a list of four nominees.



House Judiciary Reported Substitute for HB410

757 (4) One serving sheriff, nominated by the Alabama Bail
758 Bond Association and appointed by the Governor from a list of
759 four nominees.

760 (5) One lay person, nominated by the Alabama Bail Bond
761 Association and appointed by the Governor from a list of four
762 nominees.

763 (b) The appointments to the board shall be for terms of
764 four years. The nominating and appointing authorities shall
765 coordinate their nominations and appointments ~~so that~~
766 ~~diversity of gender, race, and geographical areas is~~
767 ~~reflective of the makeup of this~~ to assure the membership of
768 the board is inclusive and reflects the racial, gender,
769 geographic, urban, rural, and economic diversity of the state.
770 Vacancies shall be filled by appointment of the Governor for
771 the unexpired portion of the term.

772 (c) The board, pursuant to the Alabama Administrative
773 Procedure Act, Chapter 22 of Title 41, shall adopt and enforce
774 reasonable rules as the board determines necessary to
775 effectively and efficiently carry out its official duty of
776 licensing and regulating professional bail bond companies and
777 professional bondsmen.

778 (d) Each member of the board shall receive travel and
779 per diem compensation for expenses incurred in the conduct of
780 official duties while attending meetings and transacting the
781 business of the board, in accordance with applicable state
782 travel and per diem paid to state employees. The compensation
783 of members shall be paid from funds available to the board in
784 the same manner as other expenses are paid."



House Judiciary Reported Substitute for HB410

785 "§15-13-205

786 At the initial meeting of the board ~~and each time a new~~
787 ~~member is appointed to the board,~~ the members of the board
788 shall select from among their members a ~~president~~ chair to
789 preside over meetings of the board, a vice ~~president~~ chair to
790 preside in the absence of the ~~president~~ chair, and a
791 secretary."

792 "§15-13-210

793 (a) An application and all information on an
794 application for licensure pursuant to this article shall be
795 treated as confidential and shall be filed with the board on
796 forms prescribed by the board. The application shall include
797 all of the following information of the applicant:

798 (1) His or her full name.

799 (2) His or her date of birth.

800 (3) All residences during the immediate past five
801 years.

802 (4) All employment or occupations engaged in during the
803 immediate past five years.

804 (5) A list of convictions and pending charges involving
805 a felony or misdemeanor in any jurisdiction.

806 (b) On or before September 1 each year, the board shall
807 send an email reminder to each licensee stating that the last
808 day for submitting an application for a license renewal is
809 September 30 of that year. Failure to submit a renewal
810 application by September 30 shall result in a late fee of one
811 hundred twenty-five dollars (\$125)."

812 "§15-13-211



House Judiciary Reported Substitute for HB410

813 Each individual applicant shall meet all of the
814 following criteria, demonstrating that he or she:

815 (1) Is at least 21 years of age.

816 (2) Has not been declared by any court of competent
817 jurisdiction incompetent by reason of mental defect or disease
818 unless a court of competent jurisdiction has subsequently
819 declared the applicant competent.

820 (3) Has not been convicted of a crime of moral
821 turpitude, with the board having the final determination on
822 the interpretation of moral turpitude.

823 (4) Has not been convicted of a felony.

824 (5) Has successfully completed pre-licensure education
825 administered by an educational provider approved by the board.

826 (6) Has been a resident of this state for at least one
827 year as provided by either of the following:

828 a. A copy of the Alabama driver's license or nondriver
829 identification card of the applicant.

830 b. A written statement by the applicant, under penalty
831 of perjury, that he or she has been a resident of this state
832 for one year."

833 "§15-13-217

834 (a) A professional bondsman, professional surety
835 bondsman, or recovery agent commencing business in any
836 judicial circuit in this state on and after June 1, 2020,
837 shall attend a 16-hour instructional course conducted by an
838 educational provider approved by the board and pass an
839 examination approved by the board and administered by an
840 educational provider approved by the board. Upon completion of



House Judiciary Reported Substitute for HB410

841 the course and passage of the examination, the individual
842 shall be awarded a pre-licensure examination certificate by
843 the board, copies of which may be submitted to the presiding
844 circuit judge, or other judicial authority, along with the
845 other requirements set forth in Section 15-13-159 or Section
846 15-13-160. ~~Those professional bondsmen, professional surety~~
847 ~~bondsmen, and recovery agents doing business immediately prior~~
848 ~~to June 1, 2020, are exempt from the initial instructional~~
849 ~~course and examination.~~

850 (b) Unless exempted pursuant to subsection (i), a
851 professional bondsman, professional surety bondsman, or
852 recovery agent making an annual filing in any circuit in this
853 state pursuant to Section 15-13-159 or Section 15-13-160 on
854 and after March 1, 2020, shall first complete eight hours of
855 continuing education conducted by an educational provider
856 approved by the board. A professional bail company owner, who
857 is at least 55 years of age and has five years of experience
858 in the profession, shall only be required to complete four
859 hours of continuing education. The educational provider
860 approved by the board shall provide the board with the name of
861 all professional bondsmen, professional surety bondsmen, or
862 recovery agents completing eight hours of continuing
863 education. Upon completion of the eight hours of continuing
864 education, the individual shall request issuance of an annual
865 continuing education certificate from the board, copies of
866 which may be submitted to the presiding circuit judge along
867 with the other requirements set forth in Section 15-13-159 or
868 Section 15-13-160.



House Judiciary Reported Substitute for HB410

869 (c) The instructional course, examination, or
870 continuing education courses shall be taught or sponsored by
871 an educational provider approved by the board, which must
872 apply annually for authority to offer ~~such~~ the examination or
873 courses.

874 (d) A list of approved course providers shall be
875 published on the website of the board.

876 (e) The cost of the instructional course shall be set
877 by the approved course provider ~~but~~ and shall not exceed five
878 hundred dollars (\$500) per course. Upon completion of the
879 instructional course, the approved course provider shall issue
880 an instructional course completion certificate in a form
881 approved by the board. This completion certificate, along with
882 the application fee, must be presented to the board in order
883 to take the pre-licensure examination. An instructional course
884 completion certificate shall be valid for a period of 12
885 months.

886 (f) The cost of continuing education courses shall be
887 set by the approved course provider ~~but~~ and shall not exceed
888 seventy-five dollars (\$75) per hour. Any fee required to be
889 paid by a course provider for reporting continuing education
890 course completion to the board may be added to the maximum
891 charges provided in this subsection.

892 (g) Each professional bondsman, professional surety
893 bondsman, and recovery agent must renew his or her
894 certification with the board by completing eight hours of
895 approved continuing education prior to September 30 each year.
896 Late renewal within the next 12 months may be had by



House Judiciary Reported Substitute for HB410

897 completing the eight hours of continuing education and paying
898 a renewal license fee of twice the amount otherwise required.
899 If a professional bondsman, professional surety bondsman, or
900 recovery agent fails to renew a certification for a 12-month
901 period, the professional bondsman, professional surety
902 bondsman, or recovery agent will be required to take the
903 instructional course and examination to again become
904 certified.

905 (h) The board, by rule, shall set the fees to be paid
906 to the board in the administration of this section, not to
907 exceed the maximum amounts set forth below:

908 (1)a. Application fee for a professional bondsman,
909 professional surety bondsman, or a recovery agent, a
910 nonrefundable fee to be paid to take the examination and for
911 the issuance of the pre-licensure examination certificate, per
912 examination attempt: Up to five hundred dollars (\$500) ~~;~~ and

913 b. Application fee for a professional bail company or a
914 professional surety company, a nonrefundable fee to be paid
915 for the issuance of an initial license: Up to five hundred
916 dollars (\$500). Payment of this fee does not alleviate the
917 requirement that each individual professional bondsman,
918 professional surety bondsman, and recovery agent be licensed
919 under this chapter.

920 (2)a. Annual license renewal fee for a professional
921 bondsman, professional surety bondsman, or recovery agent, to
922 be paid to receive the annual continuing education
923 certificate: From fifty dollars (\$50) up to five hundred
924 dollars (\$500) ~~;~~ and



House Judiciary Reported Substitute for HB410

925 b. Annual license renewal fee for a professional bail
926 company or a professional surety company, to be paid to
927 receive the renewal license: Up to one hundred dollars (\$100).

928 A late fee shall be charged in the amount of the license fee.

929 (i) Any professional bondsman or professional bail
930 company owner who, on August 1, 2021, is at least 65 years of
931 age and has 15 years of experience in the profession, shall be
932 exempt from the continuing education requirements of this
933 article.

934 (j) The board shall adopt rules necessary to carry out
935 this section."

936 Section 2. This act shall become effective on October
937 1, 2025.