

HB410 INTRODUCED



1 HB410
2 ARRWASS-1
3 By Representative Stringer
4 RFD: Judiciary
5 First Read: 06-Mar-25



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SYNOPSIS:

Under existing law, the Alabama Professional Bail Bonding Board, through the Alabama Bail Reform Act of 1993, and the Alabama Bail Bond Regulatory Act, is responsible for regulating professional bail bond companies and professional surety companies operating in this state.

This bill would provide for the dismissal of certain fees that have not been deposited or collected within a certain time frame.

This bill would increase the penalties for the crime of bail jumping.

This bill would provide further for conditional forfeitures and for the requirements of out-of-state bondsmen and sureties.

This bill would provide further for the limitations on property owners to act as sureties.

This bill would provide further for the definition of an employee of a professional bail bond company or professional surety company and for the licensing and duties of apprentices.

This bill would increase the membership of the Alabama Professional Bail Bonding Board, would provide for a late fee for certain license renewals, and would require applicants for licensing to prove residency in



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29 this state for at least one year before licensing.

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A BILL

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TO BE ENTITLED

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AN ACT

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36 Relating to court finances, bail jumping, the Alabama
37 Bail Reform Act of 1993, and the Alabama Bail Bond Regulatory
38 Act; to amend Sections 12-19-311, 13A-10-40, 15-13-118,
39 15-13-129, 15-13-131, 15-13-138, 15-13-155, 15-13-159,
40 15-13-160, 15-13-201, 15-13-202, 15-13-203, 15-13-205,
41 15-13-210, 15-13-211, and 15-13-217, Code of Alabama 1975; to
42 provide for the dismissal of certain fees; to increase the
43 penalties for the crime of bail jumping; to provide further
44 for conditional forfeitures; to provide further for the
45 requirements of out-of-state bondsmen and sureties; to provide
46 further for limitations on property owners as sureties; to
47 provide further for the definition of an employee of a
48 professional bail company or professional surety company; to
49 provide further for the licensing and duties of apprentices;
50 to increase the membership of the Alabama Professional Bail
51 Bonding Board; to provide for a late fee for renewals; and to
52 require applicants for licensing to residents of this state
53 for at least one year.

54 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

55 Section 1. Sections 12-19-311, 13A-10-40, 15-13-118,
56 15-13-129, 15-13-131, 15-13-138, 15-13-155, 15-13-159,



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57 15-13-160, 15-13-201, 15-13-202, 15-13-203, 15-13-205,
58 15-13-210, 15-13-211, and 15-13-217 of the Code of Alabama
59 1975, are amended to read as follows:

60 "§12-19-311

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

65 The fee shall not be assessed in traffic cases, except
66 for those serious traffic offenses enumerated in ~~Title 32,~~
67 ~~Chapter 5A,~~ Article 9 of Chapter 5A, Title 32. Where multiple
68 charges arise out of the same incident, the bond fee pursuant
69 to this section shall only be assessed on one charge. For the
70 purposes of this section, the term "same incident" shall be
71 defined as the same date, location, and proximate time. Where
72 the charge is negotiating a worthless negotiable instrument,
73 the fee shall not be assessed more than three times annually
74 per person charged. The fees shall be assessed as follows:

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

77 b. For a misdemeanor offense, a bail bond fee in the
78 amount of 3.5 percent of the total face value of the bail bond
79 or one hundred dollars (\$100), whichever is greater, but not
80 to exceed four hundred fifty dollars (\$450). For a felony
81 offense, a bail bond fee of 3.5 percent of the total face
82 value of the bail bond or one hundred fifty dollars (\$150),
83 whichever is greater, but not to exceed seven hundred fifty
84 dollars (\$750). Except that if a person is released on a



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85 judicial public bail, recognizance, or signature bond,
86 including a bond on electronic traffic and nontraffic
87 citations, the fee shall be affixed at twenty-five dollars
88 (\$25). For purposes of this section, face value of bond shall
89 mean the bond amount set by court or other authority at
90 release, not the amount posted at release on bail.

91 (2) The fees assessed pursuant to paragraph (1)a. ~~of~~
92 ~~subdivision (1) of subsection (a)~~ are required whether the
93 release from confinement or admittance to bail is based on
94 cash, judicial public bail, personal recognizance, a signature
95 bond, including a bond on electronic traffic and nontraffic
96 citations for those serious traffic offenses enumerated in
97 ~~Title 32, Chapter 5A,~~ Article 9 of Chapter 5A, Title 32, an
98 appearance bond, a secured appearance bond utilizing security,
99 a bond executed by a professional surety company, or a
100 professional bail company using professional bondsmen;
101 provided, however, that no fee shall be assessed pursuant to
102 paragraph (1)a. ~~of subdivision (1) of subsection (a)~~ if a
103 person is released on judicial public bail or on personal
104 recognizance for a documented medical reason. The fee shall be
105 assessed at the issuance, reissuance, or reinstatement of the
106 bond.

107 (b) The fee in paragraph (a)(1)a. ~~of subdivision (1) of~~
108 ~~subsection (a)~~ shall be collected by either the official
109 executing the bond or by the clerk of the court. If the fee is
110 collected by the official executing the bond, it shall be
111 collected at the execution of the bond or at the time of
112 release. If the fee is collected by the clerk of the court, it



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113 shall be collected at the execution of the bond, at the time
114 of release, or within two business days of release. The fee
115 may be remitted via money order, electronic means, U.S. mail
116 to the court clerk postmarked within 48 hours of release, or
117 by any other method approved by the sheriff. If the fee is
118 collected by an official other than the clerk of the court,
119 the official shall remit the fee to the clerk of the court,
120 attached to the executed bond, within 30 days or upon
121 adjudication or conviction of the underlying offense,
122 whichever occurs first; if the fee is not collected by the
123 official, the official shall provide documentation of the
124 nonpayment, attached to the executed bond, to the clerk of the
125 court within two business days. The clerk of the court may
126 accept the payment of the fee if the clerk has the executed
127 bond, together with proof of nonpayment and charging
128 instrument, in hand. This fee shall be paid by the bondsman,
129 surety, guaranty, or person signing as surety for the
130 undertaking of bail. If the person is released on own
131 recognizance, judicial public bail, or non-custodial offense
132 pursuant to Rule 20 of the Alabama Rules of Judicial
133 Administration, the fee shall be assessed at the time of
134 adjudication or at the time that any other fees and costs are
135 assessed.

136 (c) Upon the failure to pay the fee in paragraph
137 (a) (1) a. ~~of subdivision (1) of subsection (a)~~ and upon a
138 finding of contempt in subsection (d), the bondsman, surety,
139 guaranty, or individuals required to pay the fee shall be
140 punished by a fine of not less than five hundred dollars



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141 (\$500) in addition to the fee imposed in paragraph (a) (1)a.~~of~~
142 ~~subdivision (1) of subsection (a).~~ The fine shall not be
143 remitted, waived, or reduced unless the ~~person(s)~~ person or
144 persons fined can show cause to the court that he or she
145 cannot pay the fine in the reasonably foreseeable future. In
146 addition, upon a finding of contempt, if the responsible party
147 is a professional surety company or a professional bail
148 company or otherwise operating as a bondsman under Alabama
149 law, the presiding judge may revoke the entity or individual's
150 authority to write or issue bonds pursuant to Section
151 15-13-159 or 15-13-160 until such time as the payment is
152 rendered in full.

153 (d) If the fee in paragraph (a) (1)a.~~of subdivision (1)~~
154 ~~of subsection (a)~~ is not paid in full within 30 days, the
155 clerk of the court shall provide notification of the
156 delinquency to the district attorney or prosecuting attorney
157 on a monthly basis. Upon receipt of the certification of
158 delinquency or failure to pay from the court, the district
159 attorney or prosecuting attorney may take appropriate action
160 which may include, but shall not be limited to, contempt
161 proceedings. If contempt proceedings are initiated, the
162 district attorney or prosecuting attorney shall send notice by
163 U.S. ~~Mail~~mail to the last known address of the person charged
164 with the crime, bondsman, surety, guaranty, or person signing
165 as surety for the undertaking of bail of the failure to pay
166 and provide them 10 days to remit payment in full pursuant to
167 this section. If the surety is the person charged with the
168 crime where the fee applies, the district attorney or



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169 prosecuting attorney may file a petition for contempt and the
170 court shall set the contempt hearing on the person's next
171 regularly scheduled court appearance. If the surety is not the
172 person charged with the crime, the district attorney or
173 prosecuting attorney may file a petition for contempt with the
174 court, which may, after hearing, find the bondsman, surety,
175 guaranty, or person signing as surety the undertaking of bail
176 in contempt. The municipal court clerk shall provide a list to
177 the prosecuting attorney and district attorney every 60 days
178 that shall include, but not be limited to, the name of every
179 person who has failed to pay the fee, the municipal case
180 number, and the name of the person signing as surety for the
181 undertaking bail. If the prosecuting authority of the
182 municipality does not initiate contempt proceedings pursuant
183 to this section within 30 days of receiving notice from the
184 clerk of the court, the district attorney with jurisdiction
185 may file the contempt petition in the municipal court. If the
186 district attorney initiates contempt proceedings in a
187 municipal case and the person is found in contempt, the fine
188 shall be distributed as follows: 50% percent to the general
189 fund of the municipality and 50% percent to the district
190 attorney ~~Solicitor's Fund~~ solicitor's fund.

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

195 (2) Notwithstanding ~~(e)~~ subdivision (1), if the bail
196 bond has been secured by cash, the conditions of release have



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197 been performed, and the defendant has been discharged from all
198 obligations of the bond, or if the cash bail bond is
199 forfeited, the clerk of the court ~~shall~~, unless otherwise
200 ordered by the court, shall retain as the bail bond fee the
201 amount pursuant to paragraph (a) (1)b. ~~of subdivision (1) of~~
202 ~~subsection (a)~~ and disburse the remainder as provided by law.

203 (3) Notwithstanding ~~(e)~~ subdivision (1), if the
204 property bail bond has been secured, the conditions of release
205 have been performed, and the defendant has been discharged or
206 released from all obligations of the bond, or if the property
207 bail bond is forfeited, then the bond shall be reduced to the
208 bail bond fee amount pursuant to paragraph (a) (1)b. ~~of~~
209 ~~subdivision (1) of subsection (a)~~ and the property shall not
210 be discharged or released by the court until the bail bond fee
211 pursuant to paragraph (a) (1)b. ~~of subdivision (1) of~~
212 ~~subsection (a)~~ has been paid in full.

213 (4) The fees shall be collected pursuant to paragraph
214 (a) (1)b. ~~of subdivision (1) of subsection (a)~~ by the clerk of
215 the court. The fees pursuant to this section shall not be
216 remitted, waived, or reduced unless the defendant proves to
217 the reasonable satisfaction of the sentencing judge that the
218 defendant is not capable of paying the same within the
219 reasonably foreseeable future. The fees pursuant to this
220 section shall not be remitted, waived, or reduced unless all
221 other costs, fees, and charges of court are remitted or
222 waived.

223 (5) The fees shall not reduce or affect the funds
224 allocated to the office of the court clerk, the sheriff, the



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225 municipality, the district attorney, or the Alabama Department
226 of Forensic Sciences under any local act or other funding
227 mechanism under the law. These funds shall be in addition to
228 and not in lieu of any funds currently available to the office
229 of the court clerk, sheriff, municipality, the district
230 attorney, and the Alabama Department of Forensic Sciences.

231 (f) The court clerks shall distribute on a monthly
232 basis as other fees are distributed, the fees collected
233 pursuant to paragraph (a) (1) a. ~~of subdivision (1) of~~
234 ~~subsection (a)~~ as follows: Ten percent from each fee shall be
235 distributed either to the county general fund to be earmarked
236 and distributed to the ~~Sheriff's Fund~~ sheriff's fund,
237 administered by the sheriff, in the county where the bond was
238 executed or, where the bond is executed by the municipality,
239 to the municipality; 45 percent of the fee to the court
240 clerk's fund where the bond was executed or where the bond is
241 executed by the municipal court, to the municipality; 45
242 percent of the fee to the ~~Solicitor's Fund~~ solicitor's fund in
243 the county where the bond was executed. The bail bond fee
244 records shall be audited by the Department of Examiners of
245 Public Accounts.

246 (g) The court clerks shall distribute on a monthly
247 basis as other fees are distributed, the fees collected
248 pursuant to paragraph (a) (1) b. ~~of subdivision (1) of~~
249 ~~subsection (a)~~ as follows: Twenty-one dollars ~~and~~ fifty cents
250 (\$21.50) from each fee shall be distributed to the county
251 general fund which shall be earmarked and distributed to the
252 ~~Sheriff's Fund~~ sheriff's fund, administered by the sheriff, in



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253 the county where the bond was executed or, where the bond was
254 executed by a municipality, to the municipality; 40 percent of
255 the remainder of the fee to the court clerk's fund where the
256 bond was executed or where the bond is executed by the
257 municipal court, to the municipality; 45 percent of the
258 remainder of the fee to the ~~Solicitor's Fund~~ solicitor's fund
259 in the county where the bond was executed; five percent to the
260 State General Fund and ~~ten~~10 percent to the Alabama Forensic
261 Services Trust Fund. The bail bond fee records shall be
262 audited by the Department of Examiners of Public Accounts.

263 (h) Bail bond fees that have been paid by check or
264 money order, have not been deposited, and have an expiration
265 date that has passed by more than 90 days shall be deemed
266 uncollected and the payee shall not be responsible for
267 replacement of the amount of the check or money order.

268 (i) Bail bond fees on bail bonds that have not been
269 attempted to be collected from the court or district attorney
270 after one year from the original due date shall no longer be
271 considered due and that cost shall be set aside."

272 "§13A-10-40

273 (a) A person commits the crime of bail jumping in the
274 second degree if, having been lawfully released from custody,
275 with or without bail, upon condition that he or she will
276 subsequently appear at a specified time and place in
277 connection with a charge of his or her having committed any
278 misdemeanor or Class C felony, ~~he~~ the person fails to appear
279 at that time and place.

280 (b) It is a defense to prosecution under this section



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281 that the defendant's failure to appear was unintentional or
282 was unavoidable and due to circumstances beyond his or her
283 control. The burden of injecting the defense of an
284 unintentional failure to appear, or unavoidability and
285 circumstances beyond his or her control, is on the defendant.

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

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

292 "§15-13-118

293 After the entry of a conditional forfeiture against any
294 surety on an undertaking of bail, the surety may arrest the
295 defendant as provided in Section 15-13-117, and the arrest and
296 delivery of the defendant to the authorized jail as stated in
297 Section 15-13-117 shall ~~not~~ exonerate the surety ~~unless, in~~
298 ~~the judgment of the court, a good and sufficient cause is~~
299 ~~given for the failure of the defendant to appear at the time~~
300 ~~the conditional judgement was entered."~~

301 "§15-13-129

302 All out-of-state bondsmen or sureties ~~from out of the~~
303 ~~State of Alabama~~ who come to this state to make an arrest
304 shall be exempt from having a bondsman's process to arrest a
305 person for which he or she is a surety on bail in another
306 state; but he or she shall have a certified copy of the
307 undertaking of bail for which he or she is surety, shall be
308 accompanied by a licensee of the Alabama Professional Bail



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309 Bonding Board, and shall notify law enforcement for the area
310 where he or she plans to arrest the defendant. His or her
311 right to arrest shall otherwise be in conformity with the
312 common law."

313 "§15-13-131

314 (a) When a defendant fails to appear in court as
315 required by the undertaking of bail and no sufficient excuse
316 has been provided to the court prior to the hearing, the court
317 shall order a conditional forfeiture and show cause order
318 against the defendant and the sureties of the bail within 90
319 days after the defendant's failure to appear date. The court
320 shall notify the defendant and sureties of the order as set
321 out in this article. The defendant or sureties, or both, shall
322 file a written response with the clerk of the court within 30
323 days after the date of service of the notice as to why the
324 bond should not be forfeited. If a written response is filed
325 within the time allowed and the court is of the opinion the
326 written response is sufficient, the court shall set aside the
327 conditional forfeiture. If the court is of the opinion the
328 written response is not sufficient, the court shall set a
329 hearing to determine whether the bond should be forfeited. The
330 hearing shall not be set less than 120 days after the service
331 of the conditional forfeiture order. If no written response
332 has been filed after 30 days from the date of service of the
333 notice, the court may enter an appropriate order or final
334 judgment forfeiting all or part of the amount of the bond
335 which shall be enforceable as any civil judgment. The court
336 may take into consideration the circumstances provided to the



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337 court and continue any final forfeiture hearing to another day
338 and time allowing the sureties more time to apprehend the
339 defendant.

340 (b) When an undertaking of bail is forfeited by the
341 failure of the defendant to appear as required, except when
342 money is deposited as cash bail, a conditional judgment shall
343 be rendered by the court in favor of the state or its
344 subdivisions, for the use of the proper city, county, or
345 state, against the parties to the undertaking for the sum
346 thereon expressed, which judgment may be substantially as
347 follows:

348 (State of or City of) Charge: _____ vs Case No.

349 _____ A.B. _____ C.D. _____ E.F.

350 (Sureties) _____

351 It being known to the court that A.B., together with
352 (Sureties) _____, agreed to pay the State of Alabama (or City
353 of _____,) _____ dollars (the sum specified in the
354 undertaking), unless A.B. appeared at the time and place
355 mentioned and fixed in the bond or undertaking to answer in
356 this case and A.B. having failed to appear at the time and
357 place mentioned in the bond or undertaking, it is therefore
358 ordered by the court that the State of Alabama (or City of
359 _____,) for the use of _____ State (or City), recover of the
360 defendant and sureties on the undertakings, the sum of _____
361 dollars (the sum specified in the undertaking), unless they
362 file a written response and show cause why this judgment
363 should not be made absolute within 30 days after the date of
364 service of this conditional forfeiture order.



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365 (c) The state shall remit one-half of the funds it
366 receives under subsections (a) and (b) to the county in which
367 the defendant was charged. The funds shall be deposited into
368 the general fund of the county and used for the maintenance
369 and operation of the county jail."

370 "§15-13-138

371 The court shall set aside the conditional forfeiture in
372 its entirety for the following reasons or under the following
373 circumstances:

374 (1) If the sureties can show that the defendant was
375 hospitalized at the time he or she was to appear in court, or
376 if the sureties can produce sufficient evidence that the
377 defendant was not able to attend court for reason of illness,
378 by producing a doctor's certificate or letter to that effect.
379 The hospitalization may be in or out of this state. For the
380 sureties to take advantage of this subdivision, they shall put
381 the court on notice that the situation exists either prior to
382 the issuance of the conditional forfeiture order or within 30
383 days after legal service of the conditional forfeiture on the
384 sureties. After receiving notice, the court may continue the
385 case to a future date it deems proper and just for the
386 defendant to appear. If, at that time, the defendant is still
387 not able to attend court for the same reason, then it shall be
388 the burden of the sureties to produce the evidence within the
389 same prescribed time. This section does not bar the court from
390 the issuance of a bench warrant for the defendant in cases
391 where the court feels that documents of proof do not reflect
392 the truth, or where the court has reason to believe the



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393 defendant may appear and he or she is using the documents of
394 proof as an excuse to avoid appearance.

395 (2) If the sureties ~~show~~ file notice of the defendant's
396 whereabouts with the court that the defendant was confined in
397 jail or in the custody of another jurisdiction in this state
398 or any other state, at the time of his or her original
399 appearance or on the date of the issuance of the conditional
400 forfeiture order, or if the surety shows that the defendant is
401 still confined in any jail in this state or any other state,
402 or in the custody of another jurisdiction within this state or
403 any other state, or in the custody of another jurisdiction
404 within the continental United States, including United States
405 federal jurisdiction, the court shall set aside the
406 conditional forfeiture and continue the case until a time
407 after the end of that confinement. If the court later learns
408 that the defendant is free from confinement before the
409 confinement was supposed to end, then the court, with notice
410 to the sureties, may reset the case and the burden shall be on
411 the sureties to produce the defendant for the hearing or the
412 court may issue another conditional forfeiture.

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

414 (4) If the sureties show the defendant was serving on
415 active duty in one of the military services of the United
416 States.

417 (5) If the surety arrests the defendant and delivers
418 the defendant to the authorized jail and the jail refuses to
419 accept defendant.

420 (6) If a defendant has failed to appear before the



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421 court and the governing authorities decline to enter the
422 defendant into the National Crime Information Center database
423 with nationwide extradition on the felony charge or the surety
424 is not given the option of transporting the defendant or being
425 allowed to pay the costs of extradition the surety shall be
426 discharged. The defendant shall be charged the costs of
427 extradition and those costs shall be reimbursed to the surety
428 or governing authority which paid the cost."

429 "§15-13-155

430 (a) A property owner shall not execute or become surety
431 for more than four different persons in any one year, other
432 than immediate family members, unless the property owner
433 qualifies and meets the requirements set out in this article
434 for professional surety or professional bail companies. A
435 property owner who becomes surety on bail in accordance with
436 this article may not charge a fee or receive anything of value
437 as a consideration thereof.

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

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

444 "§15-13-159

445 No professional surety company shall execute or become
446 surety on any appearance bond in this state, unless it has an
447 order granting authorization to become professional surety on
448 any bail. The order granting the authorization shall be



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449 reissued annually, prior to January 1 of each year, by the
450 presiding circuit judge of the county in which the company
451 desires to execute bail or appearance bonds. A new applicant
452 to become a professional surety company shall be approved or
453 denied within 90 days after application. Prior to the judge's
454 issuance of the original order and no later than December 1 of
455 each year, thereafter, professional surety companies shall
456 submit annually to the presiding circuit judge the following:

457 (1) An original or certified copy of a certificate of
458 authority or certificate of compliance from the Department of
459 Insurance reflecting that the company is qualified to write a
460 bail line of insurance and that the company is in good
461 standing with the department.

462 (2) An original qualifying power of attorney issued by
463 the professional surety company, specifying any applicable
464 limitations and the names of the agents that may execute and
465 bind the company to a bail undertaking. The qualifying power
466 of attorney shall not name any company, corporation, or other
467 entity as an agent except a person as defined as a
468 professional bondsman in Section 15-13-101 of Division 1,
469 ~~Section 15-13-100,~~ and that person shall be an agent of the
470 company licensed with the Department of Insurance.

471 (3) A copy of the license issued by the Department of
472 Insurance of each agent who is named in or appointed by the
473 qualifying power of attorney in subdivision (2) or a letter or
474 other documentation from the department indicating that the
475 appointed agents are temporarily licensed as agents of the
476 professional surety company for those lines of insurance.



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477 (4) An affidavit or certification in writing, under
478 oath, executed by a licensed agent of the professional surety
479 company who is the manager or an owner or president of a
480 corporation, company, partnership, or other entity that
481 represents the professional surety company, filed with the
482 clerk of the circuit court of each county in which the
483 professional surety company executes or becomes surety on
484 appearance bonds, stating the following:

485 a. That all appearance bonds shall be executed in the
486 name of the professional surety company as surety by the
487 agents listed or appointed in the qualifying power of attorney
488 presented to the court or any other qualifying powers of
489 attorney filed with the circuit clerk of the county.

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

493 c. That any agency, company, corporation, or other
494 entity that represents the professional surety company in the
495 county, has no owners or other persons having a direct or
496 indirect financial interest in such agency, company,
497 corporation, or other entity, that have been convicted of a
498 felony or a crime involving moral turpitude. If any person
499 having a direct or indirect financial interest in ~~such~~ the
500 agency, company, corporation, or other entity has been
501 convicted of a felony or a crime involving moral turpitude,
502 then the affidavit or certification shall certify that there
503 has been ~~such~~ a conviction, providing the name of the person
504 convicted, and certify that the person convicted has been



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505 pardoned or has had a restoration of civil rights.

506 d. That the professional surety company has no
507 knowledge of forfeitures that have been final for more than 30
508 days that have not been paid to the clerk of the court arising
509 out of surety undertaking, and that the professional surety
510 company has no petitions, motions, or other litigation matters
511 pending.

512 e. That no agents of the professional surety company
513 who have the authority to execute appearance bonds in its
514 behalf or any person having a financial interest, direct or
515 indirect, in the ownership or management of any agency,
516 company, corporation, or other entity that represents the
517 professional surety company in the execution of appearance
518 bonds, is an attorney, a judicial official, a person
519 authorized to accept an appearance bond, or an agent of an
520 attorney, judicial official, or person authorized to accept an
521 appearance bond.

522 f. The names and addresses of all persons, officers,
523 employees, and agents of the agency, company, corporation, or
524 other entity that represents the professional surety company
525 becoming surety on appearance bonds who have a direct or
526 indirect financial interest in the agency, company,
527 corporation, or other entity representing the professional
528 surety company and the nature and extent of each interest.

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



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

536 "§15-13-160

537 (a) No professional bail company shall execute or
538 become surety on any appearance bond in this state, unless the
539 company has an order granting authorization to become
540 professional surety on any bail. The order granting
541 authorization shall be reissued annually prior to January 1 of
542 each year by the presiding circuit judge of the county in
543 which the company desires to execute bail or appearance bonds.
544 Prior to the judge's issuance of the original order and no
545 later than December 1 of each year, thereafter, professional
546 bail companies shall submit annually to the presiding circuit
547 judge the following:

548 (1)a. An ~~original corporate surety bond or~~ escrow
549 agreement, filed and approved by the presiding circuit judge
550 of the county in which the professional bail company executes
551 or becomes surety on appearance bonds, in the amount of
552 twenty-five thousand dollars (\$25,000), guaranteeing the
553 payment of all sums of money that may become due by virtue of
554 any judgment absolute that may be rendered against the
555 professional bail company on a forfeiture entered by any court
556 in the county. Corporate surety bonds shall be executed only
557 by a surety company that at the time is operating and
558 authorized to do business in the this state and qualified to
559 write bonds by the Department of Insurance. The corporate
560 surety bond shall provide that it may be ~~cancelled~~ canceled as



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561 to any future liability by the corporate surety company or the
562 professional bail company giving 30 days prior written notice
563 of the cancellation to the clerk of the circuit court in which
564 the bond or instrument was filed. A bank in this state shall
565 be a party to all escrow agreements, and those agreements
566 shall provide that the agreement may be ~~cancelled~~ canceled as
567 to any future liability only by the professional bail company
568 and bank giving 30 days prior written notice of the
569 cancellation to the clerk of the circuit court in which the
570 escrow agreement or instrument is filed. Once a professional
571 bail company has filed an original continuous corporate surety
572 bond or escrow agreement with the circuit clerk and it has
573 been approved by the presiding circuit judge, then the
574 professional bail company does not have to file any other
575 original continuous corporate surety bond or escrow agreement
576 upon annual recertification. The professional bail company
577 shall submit an original certificate from the insurance
578 company that executed the corporate surety bond reflecting
579 that ~~it~~ the corporate surety bond is still in force or an
580 original letter from the bank stating the escrow agreement is
581 still effective and the monies are still held in trust. When
582 any professional bail company is annually recertifying, the
583 circuit clerk shall send the original corporate surety bond or
584 original escrow agreement with any cancellations received by
585 the circuit clerk to the presiding circuit judge for review
586 and approval.

587 b. Any new ~~original corporate surety bond or~~ escrow
588 agreement made ~~on or after September 1, 2023~~ after October 1,



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589 2025, in a county with a population of 200,000 or more, shall
590 require ~~a surety bond or~~ an escrow agreement in the amount of
591 fifty thousand dollars (\$50,000). This paragraph does not
592 affect any corporate surety bond or escrow agreement made
593 before ~~September 1, 2023~~ October 1, 2025. Current escrow
594 agreements and corporate surety bonds shall remain at
595 twenty-five thousand dollars (\$25,000) for any renewal
596 thereafter.

597 (2) An original qualifying power of attorney, letter,
598 or other document issued by the professional bail company
599 specifying any applicable limitations and specifying the
600 agents who are authorized to execute and bind the professional
601 bail company to a bail undertaking or to appearance bonds. The
602 qualifying power of attorney, letter, or other document may
603 only name persons as agents.

604 (3) An original affidavit or certificate in writing,
605 under oath, executed by an owner or officer of a professional
606 bail company, to the clerk of the circuit court of the county
607 in which the professional bail company shall execute or become
608 surety on appearance bonds which contains all of the
609 following:

610 a. That all appearance bonds shall be executed in the
611 name of the professional bail company as surety by the agents
612 listed or appointed in the qualifying power of attorney,
613 letter, or other document presented to the court or any other
614 person so named in any future qualifying powers of attorney,
615 letters, or documents filed with the circuit clerk of the
616 county.



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

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

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

624 Notwithstanding the foregoing, if any person having a direct
625 or indirect financial interest in the bonding business has
626 been convicted of a felony or a crime involving moral
627 turpitude, then the person making the certification shall
628 certify that there has been a conviction, provide the name of
629 the person convicted, and certify that the person convicted
630 has been pardoned or has had a restoration of civil rights.

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

636 f. That there are no persons, including employees,
637 agents, or persons with a financial interest in the
638 professional bail company, who, within a period of two years,
639 violated this chapter, or any rules adopted by the Supreme
640 Court governing the qualifications of professional surety or
641 bail companies.

642 g. That no employee, agent, or any other person having
643 a direct or indirect financial interest in the professional
644 bail company is an attorney, a judicial official, a person



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645 authorized to accept an appearance bond, or an agent of an
646 attorney, judicial official, or person authorized to accept an
647 appearance bond.

648 h. The names and addresses of all officers, employees,
649 and agents of the professional bail company who have a direct
650 or indirect financial interest in the professional bail
651 company and the nature and extent of each interest.

652 (b) A professional bondsman and professional surety
653 bondsman may not own a professional bail company until he or
654 she has been licensed as a professional bondsman or
655 professional surety bondsman for at least three years. If the
656 owner of a professional bail company dies or becomes
657 completely incapacitated, as determined by the board, his or
658 her professional bail bond company may be sold to an
659 unlicensed individual. The unlicensed individual shall have 90
660 calendar days, from date of purchase, to obtain a license and
661 shall employ a minimum of one employee who has been licensed
662 for at least three consecutive years."

663 "§15-13-201

664 For the purposes of this article, the following terms
665 ~~shall~~ have the following meanings:

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

667 (2) EMPLOYEE. An individual who is employed by a
668 professional bail company or professional surety company,
669 either as an agent or direct subordinate, who negotiates,
670 communicates written or verbal, or offers information about
671 obtaining bail, bail bond prices, or any other information
672 regarding the securing of a bail bond for another individual.



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673 ~~(2)~~ (3) PROFESSIONAL BAIL COMPANY. A person, individual
674 proprietor, partnership corporation, or other entity, other
675 than a professional surety company, that furnishes bail or
676 becomes surety for a person on an appearance bond and does so
677 for a valuable consideration.

678 ~~(3)~~ (4) PROFESSIONAL BONDSMAN. Any individual or agent
679 who is employed by a professional bail company or professional
680 surety company to solicit and execute appearance bonds or
681 actively seek bail bond business for or on behalf of a
682 professional bail company, including any individual who has a
683 direct or indirect ownership interest in a professional bail
684 company.

685 ~~(4)~~ (5) PROFESSIONAL SURETY BONDSMAN. Any individual who
686 is employed by a professional surety company to solicit and
687 execute appearance bonds or actively seek bail bond business
688 for or on behalf of a professional surety company, including
689 any individual who has a direct or indirect ownership interest
690 in a professional surety company.

691 ~~(5)~~ (6) PROFESSIONAL SURETY COMPANY. An insurance
692 company, domestic or foreign corporation, or association
693 engaged in the business of insurance, or a surety with a bail
694 line of insurance to which has been issued a certificate of
695 authority or certificate of compliance by the Department of
696 Insurance to execute appearance bonds or bail bonds in
697 criminal cases in the state.

698 ~~(6)~~ (7) RECOVERY AGENT. Any individual, other than an
699 attorney or law enforcement officer, utilized by a
700 professional surety company, professional bail company, or



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701 professional bondsman to apprehend a defendant who was
702 released on bail and who violated the terms of his or her
703 bail."

704 "§15-13-202

705 (a) An individual may not hold himself or herself out
706 to the public as a professional bondsman or a professional
707 surety bondsman, operate as a recovery agent, or use any term,
708 title, or abbreviation that expresses, infers, or implies that
709 the individual is licensed as a professional bondsman unless
710 the individual at the time holds a valid license as a
711 professional bondsman as provided in this article.

712 (b) All applicants shall pass an examination, unless
713 exempted by this article, based on criteria established by the
714 Alabama Professional Bail Bonding Board and established under
715 Section 15-13-203 and shall comply with the continuing
716 education requirements established by this article.

717 (c) The board may issue an apprentice license, which
718 expires ~~120~~ 180 days after issuance, to any applicant who
719 satisfies all criteria for licensure except passing the
720 examination. The board may require an applicant for licensure
721 as an apprentice to sign an affidavit, on a form provided by
722 the board, attesting that the applicant has no felony
723 convictions. The board may verify the applicant's criminal
724 history before the issuance of an apprentice license. The
725 board, by rule, may also provide an age exception to allow any
726 applicant who is 19 or 20 years of age to work as an
727 apprentice until he or she reaches ~~the age of~~ 21 years of age.
728 Before the expiration of his or her apprentice license, an



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729 apprentice who is 19 or 20 years of age shall complete an
730 eight-hour continuing education instructional course conducted
731 by an educational provider approved by the Alabama
732 Professional Bail Bonding Board, at no cost to the apprentice.
733 The board may charge a fee, not exceeding fifty dollars (\$50),
734 for an apprentice license.

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

739 "§15-13-203

740 (a) The Alabama Professional Bail Bonding Board is
741 created to administer and enforce this article. The board
742 shall consist of all of the following members:

743 (1) Seven professional bondsmen, one from each of the
744 seven congressional districts of the state, nominated by the
745 Alabama Bail Bond Association and appointed by the Governor
746 from a list of not more than four nominees for each position
747 on the board. For the initial terms of office, the President
748 of the Alabama Bail Bond Association shall be the professional
749 bondsman member of the board who represents the congressional
750 district in which he or she resides. Each professional
751 bondsman member appointed to the board shall be the owner of a
752 professional bail bond company with at least five years of
753 experience. Except as otherwise provided, no two professional
754 bondsman members shall reside in the same congressional
755 district. If no professional bondsman is available for
756 nomination by the Alabama Bail Bond Association for a



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757 congressional district, the Alabama Bail Bond Association
758 shall provide a list of four professional bondsman nominees
759 from the state ~~at large~~ at-large to the Governor for that
760 congressional district, and the Governor shall appoint one of
761 those nominees to fill that position on the board.

762 (2) One serving or supernumerary circuit, district, or
763 municipal court judge, nominated by the Alabama Bail Bond
764 Association and appointed by the Governor from a list of four
765 nominees.

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

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

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

775 (b) The appointments to the board shall be for terms of
776 four years. The nominating and appointing authorities shall
777 coordinate their nominations and appointments ~~so that~~
778 ~~diversity of gender, race, and geographical areas is~~
779 ~~reflective of the makeup of this~~ to assure the membership of
780 the board is inclusive and reflects the racial, gender,
781 geographic, urban, rural, and economic diversity of the state.
782 Vacancies shall be filled by appointment of the Governor for
783 the unexpired portion of the term.

784 (c) The board, pursuant to the Alabama Administrative



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785 Procedure Act, Chapter 22 of Title 41, shall adopt and enforce
786 reasonable rules as the board determines necessary to
787 effectively and efficiently carry out its official duty of
788 licensing and regulating professional bail bond companies and
789 professional bondsmen.

790 (d) Each member of the board shall receive travel and
791 per diem compensation for expenses incurred in the conduct of
792 official duties while attending meetings and transacting the
793 business of the board, in accordance with applicable state
794 travel and per diem paid to state employees. The compensation
795 of members shall be paid from funds available to the board in
796 the same manner as other expenses are paid."

797 "§15-13-205

798 At the initial meeting of the board ~~and each time a new~~
799 ~~member is appointed to the board,~~ the members of the board
800 shall select from among their members a ~~president~~ chair to
801 preside over meetings of the board, a vice-~~president~~ chair to
802 preside in the absence of the ~~president~~ chair, and a
803 secretary."

804 "§15-13-210

805 (a) An application and all information on an
806 application for licensure pursuant to this article shall be
807 treated as confidential and shall be filed with the board on
808 forms prescribed by the board. The application shall include
809 all of the following information of the applicant:

810 (1) His or her full name.

811 (2) His or her date of birth.

812 (3) All residences during the immediate past five



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813 years.

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

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

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

824 "§15-13-211

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

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

828 (2) Has not been declared by any court of competent
829 jurisdiction incompetent by reason of mental defect or disease
830 unless a court of competent jurisdiction has subsequently
831 declared the applicant competent.

832 (3) Has not been convicted of a crime of moral
833 turpitude, with the board having the final determination on
834 the interpretation of moral turpitude.

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

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

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

840 a. A copy of the Alabama driver's license or nondriver



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841 identification card of the applicant.

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

845 "§15-13-217

846 (a) A professional bondsman, professional surety
847 bondsman, or recovery agent commencing business in any
848 judicial circuit in this state on and after June 1, 2020,
849 shall attend a 16-hour instructional course conducted by an
850 educational provider approved by the board and pass an
851 examination approved by the board and administered by an
852 educational provider approved by the board. Upon completion of
853 the course and passage of the examination, the individual
854 shall be awarded a pre-licensure examination certificate by
855 the board, copies of which may be submitted to the presiding
856 circuit judge, or other judicial authority, along with the
857 other requirements set forth in Section 15-13-159 or Section
858 15-13-160. ~~Those professional bondsmen, professional surety~~
859 ~~bondsmen, and recovery agents doing business immediately prior~~
860 ~~to June 1, 2020, are exempt from the initial instructional~~
861 ~~course and examination.~~

862 (b) Unless exempted pursuant to subsection (i), a
863 professional bondsman, professional surety bondsman, or
864 recovery agent making an annual filing in any circuit in this
865 state pursuant to Section 15-13-159 or Section 15-13-160 on
866 and after March 1, 2020, shall first complete eight hours of
867 continuing education conducted by an educational provider
868 approved by the board. A professional bail company owner, who



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869 is at least 55 years of age and has five years of experience
870 in the profession, shall only be required to complete four
871 hours of continuing education. The educational provider
872 approved by the board shall provide the board with the name of
873 all professional bondsmen, professional surety bondsmen, or
874 recovery agents completing eight hours of continuing
875 education. Upon completion of the eight hours of continuing
876 education, the individual shall request issuance of an annual
877 continuing education certificate from the board, copies of
878 which may be submitted to the presiding circuit judge along
879 with the other requirements set forth in Section 15-13-159 or
880 Section 15-13-160.

881 (c) The instructional course, examination, or
882 continuing education courses shall be taught or sponsored by
883 an educational provider approved by the board, which must
884 apply annually for authority to offer ~~such~~ the examination or
885 courses.

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

888 (e) The cost of the instructional course shall be set
889 by the approved course provider ~~but~~ and shall not exceed five
890 hundred dollars (\$500) per course. Upon completion of the
891 instructional course, the approved course provider shall issue
892 an instructional course completion certificate in a form
893 approved by the board. This completion certificate, along with
894 the application fee, must be presented to the board in order
895 to take the pre-licensure examination. An instructional course
896 completion certificate shall be valid for a period of 12



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897 months.

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

904 (g) Each professional bondsman, professional surety
905 bondsman, and recovery agent must renew his or her
906 certification with the board by completing eight hours of
907 approved continuing education prior to September 30 each year.
908 Late renewal within the next 12 months may be had by
909 completing the eight hours of continuing education and paying
910 a renewal license fee of twice the amount otherwise required.
911 If a professional bondsman, professional surety bondsman, or
912 recovery agent fails to renew a certification for a 12-month
913 period, the professional bondsman, professional surety
914 bondsman, or recovery agent will be required to take the
915 instructional course and examination to again become
916 certified.

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

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



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925 b. Application fee for a professional bail company or a
926 professional surety company, a nonrefundable fee to be paid
927 for the issuance of an initial license: Up to five hundred
928 dollars (\$500). Payment of this fee does not alleviate the
929 requirement that each individual professional bondsman,
930 professional surety bondsman, and recovery agent be licensed
931 under this chapter.

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

937 b. Annual license renewal fee for a professional bail
938 company or a professional surety company, to be paid to
939 receive the renewal license: Up to one hundred dollars (\$100).
940 A late fee shall be charged in the amount of the license fee.

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

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

948 Section 2. This act shall become effective on October
949 1, 2025.