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HOUSE JOINT RESOLUTION NO. 201

Offered January 11, 2002

Requesting the Virginia State Crime Commission to study the need for regulation, training and oversight of bail bondsmen.

Patron—Melvin

Referred to Committee on Rules

WHEREAS, Section 19.2-152.1 of the Code of Virginia vests with circuit court judges the responsibility for the certification of bail bondsmen, but does not specify any means or standards for an employment investigation prior to certification, other than simply a review of the record of the applicant furnished by the Federal Bureau of Investigation and a review of the applicant's past conduct in that circuit court; and

WHEREAS, the dispersal of that responsibility among the respective circuit court judges impedes the development of statewide standards of and procedures for the regulation of bail bondsmen beyond the threshold financial criteria specified in § 19.2-152.1 of the Code of Virginia; and

WHEREAS, since that code section provides that every bail bondsman "shall be subject to and governed by any reasonable rules of conduct or procedure set up by the judge of the court in which he is acting as a bondsman," so that a bail bondsman who operates in a number of jurisdictions is likely to be subject to differing local rules; and

WHEREAS, the current law does not provide a mechanism for the investigation or prosecution of complaints against bail bondsmen by a nonjudicial officer for the violation of the various local rules of conduct or procedure, the respective circuit court judges are implicitly left with both an investigative role and a prosecutorial role for such proceedings, in addition to their adjudicative role; and

WHEREAS, Virginia law authorizes a person to arrest someone for whom he has posted bond and surrender him to the court or appropriate authority, and thereby puts a bail bondsman in the same posture as a law-enforcement officer with an arrest warrant; and

WHEREAS, sworn law-enforcement officers, unlike bounty hunters, are required to have a certain level of education and successfully complete job-required training and continue their training throughout their careers; and

WHEREAS, there is no mandatory licensure or training required of bail bondsman and the current statutory framework does not promote statewide uniformity in the certification, conduct and regulation of bail bondsmen and places circuit court judges in multiple, potentially conflicting roles; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be requested to study the need for regulation, training and oversight of bail bondsmen.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its work by November 30, 2002 and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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