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HOUSE JOINT RESOLUTION NO. 63

Offered January 9, 2002

Prefiled January 7, 2002

*Requesting the Department of Criminal Justice Services to study whether the responsibility for the certification and supervision of bail bondsmen should be shifted from the judicial branch to the executive branch of state government.*

Patron—Howell

Referred to Committee on Rules

WHEREAS, Virginia Code § 19.2-152.1 vests with circuit court judges the responsibility for the certification of bail bondsmen, but does not specify any means or standards for an 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 certification responsibility among the respective circuit court judges impedes the development of statewide standards of and procedures for the certification of bail bondsmen beyond the threshold financial criteria specified in Virginia Code § 19.2-152.1; and

WHEREAS, because Virginia Code § 19.2-152.1 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," a bail bondsman who operates in a number of jurisdictions is likely to be subject to differing local rules; and

WHEREAS, because Virginia Code § 19.2-152.1 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, 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 Department of Criminal Justice Services be requested to study whether the responsibility for the certification and supervision of bail bondsmen should be shifted from the judicial branch to the executive branch of state government.

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

The Department shall complete its work in time to submit its 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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