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HOUSE BILL NO. 71

Offered January 14, 2004

Prefiled December 15, 2003

A BILL to amend and reenact § 19.2-152.1 of the Code of Virginia, relating to certification of property bail bondsmen.

Patrons—Melvin and McDonnell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-152.1 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-152.1. Certification of property bail bondsmen.

A. As used in this article:

"Certificate" means a certificate issued by the judge of ~~each~~ *the* circuit court of ~~the~~ *a* county or city where an individual desires to carry on the business of a property bail bondsman, which (i) approves the issuance of a license or (ii) if the county or city does not require property bail bondsmen to obtain a license, authorizes a person to carry on the business of a property bail bondsman;

"License" means a revenue license issued by a county or city pursuant to § 58.1-3724;

"Property bail bondsman" means an individual who, for compensation, enters into a bond or bonds for others, whether as a principal or surety, or otherwise pledges real property, cash or certificates of deposit issued by a federally insured institution, or any combination thereof as security for a bond that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail; and

"Surety bail bondsman" has the same meaning ascribed thereto in § 38.2-1800.

B. A county or city shall not issue a license to an applicant unless such person has been issued a certificate from the judge of the circuit court of ~~the~~ *a* county or city in which he desires to carry on the business of a property bail bondsman. A license shall cease to authorize its holder to act as a property bail bondsman upon the termination of the certificate that approved the issuance of the license.

C. In any county, city or town that has not enacted an ordinance requiring property bail bondsmen to obtain a license, no person shall act as a property bail bondsman unless such person has been issued a certificate. A certificate shall cease to authorize its holder to act as a property bail bondsman upon the certificate's termination.

D. Prior to October 1, 2003, a judge shall not issue a certificate unless the judge finds that the applicant is of good moral character, that his past conduct before the courts of ~~said~~ *the* county or city has not been unsatisfactory and that he is suitable to be so licensed. Before the issuance of such certificate the judge of the circuit court may review the record of the applicant as furnished by the Federal Bureau of Investigation.

E. Effective October 1, 2003, a judge shall not issue a certificate unless:

1. The judge finds that the applicant is of good moral character, that he has not been convicted of a felony unless the applicant is able to submit proof that his civil rights have been restored by the Governor or other appropriate authority, that his past conduct before the courts of such county or city has not been unsatisfactory, and that he is suitable to be so licensed;

2. The applicant has submitted to fingerprinting and has provided personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant;

3. The applicant has paid the cost of the fingerprinting or criminal records check or both;

4. The judge has reviewed the record of the applicant or notification that no record exists, from the Central Criminal Records Exchange;

5. The judge has reviewed the record of the applicant or notification that no record exists as furnished by the Federal Bureau of Investigation;

6. The applicant provides to the issuing court collateral of \$200,000 on his bonds and \$200,000 on the bonds of each of his agents; and

7. The applicant provides to the issuing court the statement as required pursuant to § 19.2-152.1:4.

F. Prior to the issuance of any certificate, the judge of the circuit court may confer with the judge or judges of those courts in which the applicant seeks to act as a property bail bondsman.

G. A certificate shall not be issued authorizing any person to act as a property bail bondsman or agent for any professional bondsman if such person, such person's spouse, or a member of such person's

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59 immediate family holds any office as judge, magistrate, clerk or deputy clerk of any court.

60 H. Any certificate issued at any time prior to October 1, 2003 shall terminate effective October 1,
61 2003, unless the provisions of subsection E have been fulfilled. Any property bail bondsman issued a
62 certificate prior to July 1, 1989, who has continuously maintained his certification and who has never
63 provided to a court collateral of \$200,000 or more, may be exempted by the judge from the \$200,000
64 collateral requirements specified under subdivision E 6. Those property bail bondsmen who are
65 exempted shall satisfy all of the other requirements in this section for property bail bondsmen, and shall
66 provide to the court the collateral amount to which they may bond.