



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1057

(Patron – Melvin)

Date Submitted: 1/14/04

LD #: 04-0896134

Topic: Bail bondsmen

Proposed Change:

This proposal establishes the ability of the Commonwealth to regulate bail bondsmen. Among other things, the proposed legislation:

- Adds Article 11 to Title 9.1 establishing the powers of the Department of Criminal Justice Services (DCJS) and the Criminal Justice Services Board (CJSB) over bail bondsmen. These include:
 - Adopting regulations to ensure respectable, responsible, safe and effective bail bonding;
 - Licensure of bail bondsman for a two-year period;
 - Requiring a criminal history record check including a restriction that the bail enforcement agent must not have felony record;
 - Provide DCJS with the ability to place the bail bondsmen on probation, or to suspend, revoke, or refuse to issue or renew a license for failure to maintain professional conduct standards as established in § 9.1-193;
 - Assuming the licensing function from the State Corporation Commission and the local circuit court judge; and
 - Establishing standards for property and surety bondsmen;
- Amends § 9.1-102 to allow DCJS and CJSB to license and regulate bail bondsmen;
- Creates two crimes relating to bail bondsmen:
 - To engage in bail bonding for profit in the Commonwealth without a valid license issued by DCJS is punishable as a Class 1 misdemeanor,
 - A third or subsequent conviction is punishable for as a Class 6 felony (§ 9.1-199.4);

The provisions of this proposal become effective on October 1, 2005 except § 16.1-77 (allowing general district courts to retain jurisdiction over cases involving forfeiture of a bond), which would become effective on July 1, 2004.

Data Analysis:

The proposed legislation creates a new misdemeanor and a new felony crime related to bail bondsmen. As these crimes are not currently defined in the *Code of Virginia*, no data are available in the Commonwealth's criminal justice databases.

The Commission provides analyses of the impact on prison and jail bed space and community corrections placement needs in accordance with § 30-19.1:4. Impact analyses do not comment on the merits of the bill under review.

Impact of Proposed Legislation:

The proposed legislation may have an impact on state-responsible (prison) beds. The proposal creates new offenses not currently specified in the *Code of Virginia*. The magnitude of any impact cannot be quantified. Similarly, the impact on jails and community corrections cannot be quantified.

Convictions under the proposed legislation would not be covered by the guidelines as the primary (or most serious) offense but could augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the sentencing guidelines would be necessary under the proposal.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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