

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-149 of the Code of Virginia, relating to bail bondsman; surrender*
3 *of principal; deposit.*

4 [H 2659]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-149 of the Code of Virginia is amended and reenacted as follows:**8 **§ 19.2-149. How surety on a bond in recognizance may surrender principal and be discharged**
9 **from liability; deposit for surrender of principal.**

10 A. A bail bondsman or his licensed bail enforcement agent on a bond in a recognizance may at any
11 time arrest his principal and surrender him to the court before which the recognizance was taken or
12 before which such principal's appearance is required, or to the sheriff, sergeant or jailer of the county or
13 city wherein the court before which such principal's appearance is required is located; in addition to the
14 above authority, upon the application of the surety, the court, or the clerk thereof, before which the
15 recognizance was taken, or before which such principal's appearance is required, or any magistrate shall
16 issue a capias for the arrest of such principal, and such capias may be executed by such bail bondsman
17 or his licensed bail enforcement agent, or by any sheriff, sergeant or police officer, and the person
18 executing such capias shall deliver such principal and such capias to the sheriff or jailer of the county or
19 the sheriff, sergeant or jailer of the city in which the appearance of such principal is required, and
20 thereupon the surety or the property bail bondsman shall be discharged from liability for any act of the
21 principal subsequent thereto. Such sheriff, sergeant or jailer shall thereafter deliver such capias to the
22 clerk of such court, with his endorsement thereon acknowledging delivery of such principal to his
23 custody. If a magistrate issues a capias pursuant to this section, the magistrate shall transmit a copy of
24 the capias to the court before which such principal's appearance is required by the close of business on
25 the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

26 B. *If a bail bondsman on a bond in a recognizance surrenders his principal for any reason other*
27 *than a summons to show cause issued by the court for which the principal is to appear, the bondsman*
28 *shall deposit with the clerk or magistrate the greater of 10 percent of the amount of the bond or \$50,*
29 *which shall be made at such time the bondsman makes application for a capias. The bondsman shall*
30 *petition the court within 15 days from the surrender of the principal to show cause, if any can be*
31 *shown, why the bondsman is entitled to the amount deposited. If the court finds that there was sufficient*
32 *cause to surrender the principal, the court shall return the deposited funds to the bondsman. If the court*
33 *finds that the surrender of the principal by the bondsman was unreasonable, the deposited funds shall*
34 *be returned to the principal. Remission of funds shall not be issued by the court until the sixteenth day*
35 *after the finding. Nothing in this subsection shall apply to a private citizen who posted cash or real*
36 *estate to secure the release of a defendant.*

ENROLLED

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