

## 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; petition for*  
3 *return of deposit for surrender of principal; deposited funds credited to Literary Fund.*

4  
5 Approved

[S 294]

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. Upon application of the surety for a capias, the surety shall state the basis  
22 for which the capias is being requested. Such sheriff, sergeant or jailer shall thereafter deliver such  
23 capias to the clerk of such court, with his endorsement thereon acknowledging delivery of such principal  
24 to his custody.

25 If a magistrate issues a capias pursuant to this section, the magistrate shall transmit a copy of the  
26 capias to the court before which such principal's appearance is required by the close of business on the  
27 next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

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

ENROLLED

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