

The Senate Judiciary Non-Civil Committee offered the following substitute to HB 271:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds
2 and recognizances, so as to provide for forms of collateral required for professional bonding
3 companies; to change certain provisions relating to fees for sureties; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

6 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and
7 recognizances, is amended by revising subparagraph (b)(1)(E) of Code Section 17-6-15,
8 relating to the necessity for commitment where bail tendered and accepted, as follows:
9

10 "(E) Establishment of a cash escrow account or other form of collateral in a sum and
11 upon terms and conditions approved by the sheriff; as follows:

12 (i) For any professional bonding company that is new to the county or that has
13 operated continuously in the county for less than 18 months, in an amount and upon
14 terms and conditions as determined and approved by the sheriff;

15 (ii) Once a professional bonding company has operated continuously for 18 months
16 or longer in the county, then any such cash escrow account or other form of collateral
17 shall not exceed 10 percent of the current outstanding bail bond liability of the
18 professional bonding company; and

19 (iii) No professional bonding company shall purchase an insurance policy in lieu of
20 establishing a cash escrow account or posting other collateral; provided, however, that
21 any professional bonding company which was using an insurance policy as collateral
22 as of December 31, 2012, may continue to do so at the discretion of the sheriff."

SECTION 2.

23 Said chapter is further amended by revising subsection (a) of Code Section 17-6-30, relating
24 to fees of sureties, as follows:
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26 "(a) Sureties on criminal bonds in any court shall not charge or receive more than 12
27 ~~percent of the face amount of the bond set in the amount of \$10,000.00 or less, which~~
28 ~~amount includes the principal and all applicable surcharges, and shall not charge or receive~~
29 ~~more than 15 percent of the face amount of the bond set in an amount in excess of~~
30 \$10,000.00, which amount includes the principal and all applicable surcharges, as
31 compensation from defendants or from anyone acting for defendants; provided, however,
32 that a surety may charge and receive a minimum of \$50.00 per bonded charge or offense
33 as compensation, regardless of whether such compensation exceeds 15 percent of the face
34 amount of any bond set."

35

SECTION 3.

36 All laws and parts of laws in conflict with this Act are repealed.