SENATE SUBSTITUTE TO HB 271:

AS PASSED SENATE

A BILL TO BE ENTITLED AN ACT

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

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

- "(E) Establishment of a cash escrow account or other form of collateral in a sum and
 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 has13operated continuously in the county for less than 18 months, in an amount and upon14terms and conditions as determined and approved by the sheriff;
- (ii) Once a professional bonding company has operated continuously for 18 months
 or longer in the county, then any such cash escrow account or other form of collateral
 shall not exceed 10 percent of the current outstanding bail bond liability of the
 professional bonding company; and
- (iii) No professional bonding company shall purchase an insurance policy in lieu of
 establishing a cash escrow account or posting other collateral; provided, however, that
 any professional bonding company which was using an insurance policy as collateral
 as of December 31, 2013, may continue to do so at the discretion of the sheriff."

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SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 17-6-30, relating
to fees of sureties, as follows:

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"(a) Sureties on criminal bonds in any court shall not charge or receive more than $\frac{12}{12}$ 26 27 percent of the face amount of the bond set in the amount of \$10,000.00 or less, which amount includes the principal and all applicable surcharges, and shall not charge or receive 28 more than 15 percent of the face amount of the bond set in an amount in excess of 29 30 \$10,000.00, which amount includes the principal and all applicable surcharges, as compensation from defendants or from anyone acting for defendants; provided, however, 31 32 that a surety may charge and receive a minimum of \$50.00 per bonded charge or offense as compensation, regardless of whether such compensation exceeds 15 percent of the face 33 amount of any bond set." 34

SECTION 3.

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