

ASSEMBLY, No. 294

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywoman Handlin, Assemblymen Gusciora, DeAngelo, Giblin and Space

SYNOPSIS

Requires 10 percent bail; prohibits installment payments.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning bail payments and supplementing Title 17 of
2 the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. A bail agent, bail agency, or surety company shall not
8 execute a bail bond for the release from custody or incarceration of
9 a defendant charged with a crime of the first through fourth degree
10 without collecting a minimum of 10 percent of the face amount of
11 the bail bond as the premium for executing the bail bond. The
12 premium shall be paid prior to or at the time of filing the bail bond.
13 At the time the bail bond is posted, the bail agent or agency which
14 executes the bail bond shall attest in writing to the appropriate
15 court, or other agency authorized to accept bail bonds, that the 10
16 percent fee required by this subsection has been collected.

17 b. A defendant shall be prohibited from paying the premium to
18 a bail agent, bail agency, or surety company pursuant to a payment
19 plan, installment plan, or other similar agreement.

20 c. If the commissioner determines, after notice and an
21 opportunity for a hearing, that a bail agent or bail agency is in
22 violation of this section, the authority of the agent or agency to
23 negotiate, solicit or sell bail bonds, or be affiliated in any manner
24 with the execution of bail bonds, shall be suspended for 90 days for
25 a first violation, 180 days for a second violation, and one year for a
26 third violation. For any subsequent violation, the insurance
27 producer license of the bail agent or agency shall be permanently
28 revoked.

29 d. Nothing in this act shall interfere with the presumption in
30 favor of the court designating the posting of full United States
31 currency cash bail for defendants charged with a crime with bail
32 restrictions pursuant to subsection c. of section 1 of P.L.1994, c.144
33 (C.2A:162-12).

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35 2. This act shall take effect on the first day of the seventh
36 month following enactment.

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STATEMENT

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41 This bill requires bail agents, bail agencies, and surety
42 companies to charge and collect a premium of at least 10 percent of
43 the face value of a bail bond from a defendant who is charged with
44 a criminal offense in this State.

45 The bill specifically prohibits defendants from paying the
46 premium under an installment plan or similar agreement.

47 The Commissioner of Banking and Insurance may suspend or
48 revoke the authority of any bail agent or agency to solicit or sell

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1 bail bonds in this State if the agent or agency violates the bill's
2 provisions. Under the bill, a period of license suspension of 90 days
3 will be imposed for a first violation, 180 days for a second
4 violation, and one year for a third violation. For a fourth or
5 subsequent violation, the insurance producer license of the bail
6 agent or agency is to be permanently revoked.