

ASSEMBLY, No. 683

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Requires bail agencies to collect at least 10 percent of bail bond amount.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning bail bonds issued by a licensed surety and
2 supplementing chapter 31 of Title 17 of 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. No surety company or bail agent or agency shall
8 knowingly execute a bail bond for the release of a defendant
9 charged with a crime of the first through fourth degree from custody
10 or incarceration without collecting at least 10 percent of the face
11 amount of the bail bond as the fee for executing the bail bond, prior
12 to or at the time of filing the bail bond. At the time the bond is
13 posted, the bail agent or agency that executes the bail bond shall
14 attest in writing to the appropriate court, or other agency authorized
15 to accept bail bonds, that a fee of at least 10 percent of the face
16 amount of the bail bond has been collected.

17 b. The commissioner, after notice and an opportunity for a
18 hearing, shall suspend the authority of a bail agent or agency found
19 in violation of subsection a. of this section to negotiate, solicit or
20 sell bail bonds, or be affiliated in any manner with the execution of
21 bail bonds, for not less than 90 days for a first violation, 180 days
22 for a second violation, and one year for a third violation. For any
23 subsequent violation, the insurance producer license of the bail
24 agent or agency shall be permanently revoked.

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

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill requires a surety company or bail agent or agency to
37 charge and collect a fee of at least 10 percent of the face amount of
38 the bond from a defendant charged with a crime of the first through
39 fourth degree. The Commissioner of Banking and Insurance may
40 suspend or revoke the authority of any bail agent or agency to
41 solicit or sell bail bonds in this State if the agent knowingly violates
42 the bill's provisions. Under the bill, a period of license suspension
43 is up to 90 days for a first violation, 180 days for a second
44 violation, and one year for a third violation. For a fourth or
45 subsequent violation, the insurance producer license of the bail
46 agent or agency is to be permanently revoked.

1 According to recent news reports, repeat criminal offenders are
2 being released on bail by paying fees to bail bondsmen which are
3 far lower than the 10 percent option established by court rules.