



Virginia Department of Criminal Justice Services
Division of Licensure and Regulatory Services
INFORMATIONAL NOTICE April of 2019

This notice is in regards to: **NEW LEGISLATION AFFECTING BAIL BONDSMEN EFFECTIVE July 1, 2019**

House Bill 2078 (click [here](#) for a link to this legislation)

The following are the highlights of the legislative changes associated with House Bill 2078:

- If a forfeited recognizance is not paid by 4:00 p.m. on the 150th day from the finding of default, the clerk of the court shall notify DCJS and DCJS shall immediately suspend the bail bondsman's license until the forfeited recognizance is satisfied, providing the suspension does not lead DCJS to take other administrative action against the bondsman.
- If any employer of such bail bondman (property bail bondsman) receives notice to pay a forfeited recognizance within 10 business days and such forfeiture is not timely paid, DCJS shall suspend the license of the property bail bondsman and **all** of his/her agents. The suspension shall remain in effect until the forfeited recognizance is satisfied, providing the suspension does not lead DCJS to take other administrative action against the bondsman.
- The court will no longer conduct show cause hearings regarding recognizance forfeitures, but shall be required to record the default and issue a notice of default within five days of the breach of the condition of appearance by the bondsman's principal.
- If the bondsman's principal is brought before the court within 150 days of the finding of default, the court shall dismiss the default upon filing of a motion by the party in default.
- If the bondsman has had multiple violations of the applicable Code or Regulations, the suspension for a forfeited recognizance could result in additional administrative action being taken by DCJS, up to and including revocation.

House Bill 2453 (click [here](#) for a link to this legislation)

The following are the highlights of the legislative changes associated with House Bill 2453:

- A bail bondsman shall state the basis for which the bondsman requests a capias for the arrest of his/her principal when applying for a capias.

House Bill 2659 (click [here](#) for a link to this legislation)

The following are the highlights of the legislative changes associated with House Bill 2659:

- If a bail bondsman surrenders his principal for any reason other than a summons from the court, the bondsman shall deposit with the clerk or magistrate the greater of 10% of the bond amount or \$50.00, which shall be made at such time as the bondsman makes application for a capias.
- The bondsman shall petition the court within 15 days of surrender of his principal to show cause, if any can be shown, as to why the bondsman is entitled to the amount deposited.
- If the court determines there was sufficient cause to surrender the principal, the court shall return the deposited funds to the bondsman.
- If the court finds that the surrender of the principal by the bondsman was unreasonable, the deposited funds shall be returned to the principal.
- Remission of funds shall not be issued by the court until the sixteenth day after the finding.

The information provided in this notice should not be considered as a legal interpretation. Affected bail bondsman should seek advice from their counsel should a legal opinion be required.

For additional information, please contact bb@dcjs.virginia.gov