

PITTSYLVANIA COUNTY CODE

CHAPTER 3

BAIL BOND

- § 3-1. Definitions
- § 3-2. License Prerequisites to Execution of Bail Bond; License Fee
- § 3-3. Receipt Required of Surety
- § 3-4. Surety's Records
- § 3-5. Schedule of Charges
- § 3-6. Refunds upon Surrender of Principal
- § 3-7. Preserve All Collateral
- § 3-8. Certificate Prerequisite to Issuance
- § 3-9. Limit of Bonds
- § 3-10. Other Requirements
- § 3-11. Penalties

CHAPTER 3

BAIL BOND

SEC. 3-1. DEFINITIONS.

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this ordinance except in those instances where the context clearly indicates a different meaning.

Bail Bond. The words bail bond shall include every recognizance or acknowledgement of indebtedness conditioned upon the appearance of any person charged with violations of law before any court or judicial officer having criminal jurisdiction.

Collateral. The word collateral shall include any money, note, stock, bond, or any property, tangible or intangible, used or put up as security or indemnity for entering into a bail bond.

Principal. The word principal shall apply to the person charged with violation of law and whose appearance is required in any bail bond.

Surety. The word surety shall include every person, other than a corporation licensed to do business as a bonding company, entering into any recognizance or bond, other than the principal.

SEC. 3-2. LICENSE PREREQUISITE TO EXECUTION OF BAIL BOND; LICENSE FEE.

It shall be unlawful for any person other than a corporation licensed to do business as a bonding company in the state, to execute or acknowledge any bail bond or recognizance as herein defined, within the County, as surety for compensation or other things deemed valuable in law, without a license therefore. The amount of such license shall be fixed at fifty (\$50.00) dollars annually. Such tax shall not be prorated nor such license be transferable.

SEC. 3-3. RECEIPT REQUIRED OF SURETY.

Every surety shall, at the time of entering into any bail bond, give to his principal a receipt in writing, setting forth fully and accurately; (a) The amount of compensation paid or to be paid, and by whom, (b) The court and time in which such principal is to appear, and (c) The amount, kind and brief description of any collateral received or promised therefore. Such receipt shall be on forms prescribed by the Attorney of the Commonwealth.

SEC. 3-4. SURETY'S RECORDS.

Every surety, shall keep a book or other record of all bail bonds executed by him, in which shall be accurately and fairly written in the English language the name of the principal; the court and time in which the principal is to appear; the amount of compensation paid or to be paid; the amount, kind and brief description of any collateral received or to be received therefore and the person from whom to be received. Such book or record shall at all reasonable times be open to the inspection of the Judge of the County Court or Circuit Court Judge, Attorney for the Commonwealth, the Sheriff of Pittsylvania County or other police officer duly appointed by him for such purposes.

SEC. 3-5. SCHEDULE OF CHARGES.

No surety shall receive compensation for executing any bail bond, or for any service in connection with affecting the release of a principal from custody, in excess of the following amounts:

1. Where the appearance of the principal is to be before the Juvenile and Domestic Relations Court of Pittsylvania County, Virginia, or the Pittsylvania County Court or any judge the compensation for the surety shall be;
 - (A) Seven and one-half (7 ½%) per cents of the amount of the bond, provided that in no instance shall the charge be less than five (\$5.00) dollars.
2. Where the appearance of the principal is to be before the Circuit Court of Pittsylvania County, Virginia, or other Court of Record or any judge thereof, either original or an appeal, the above rate shall apply. The above rates shall be based upon the aggregate amount of bonds executed for any one person at any one time, where more than one bond is executed. Where a case is continued without a final verdict or judgment therein as to the principal, no further charge shall be made for such continuance period.

SEC. 3-6. REFUNDS UPON SURRENDER OF PRINCIPAL.

Whenever any surety surrenders his principal under a bail piece prior to the time stipulated in the bond, or the time in which the case is continued, he shall refund to the principal in proportion to the time such bond has been in effect and the time stipulated in the bond for the appearance of the principal. For the purposes of this section, upon any such surrender, time shall be computed from the date of the bond to the date of continuance, if such is the case.

SEC. 3-7. PRESERVE ALL COLLATERAL.

Every surety shall faithfully and securely keep and preserve all collateral received from any principal or other person in his behalf for or on account of executing any bail bond, which shall at all times prior to default in such bond, be clearly identified as the property of any person from whom received, and upon the compliance by the principal with the terms and conditions of such bond, be returned to such principal or person from whom received.

Any surety who violates either of the two preceding sections shall forfeit all collateral held by him and all money and other things paid to him for such bond. Such forfeiture shall be for the benefit of any aggrieved person, and may be ordered and enforced by the judge trying any criminal proceeding hereunder as a part of the same proceeding, or by any civil court of appropriate jurisdiction.

SEC. 3-8. CERTIFICATE PREREQUISITE TO ISSUANCE.

No such license shall be issued by the authorities of any such County for any year unless, and until the applicant shall have first obtained a certificate from the Judge of the Circuit Court of Pittsylvania County, in which he desires to carry on the business of professional bondsman, stating that he is a person of good moral character and entitled to be so licensed. Once such certificate has been obtained from the Judge of the Circuit Court of Pittsylvania County it shall remain in effect until the judge shall deem it necessary or desirable that a new certificate be obtained.

SEC. 3-9. LIMIT OF BONDS.

No professional bondsman shall enter into any such bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess of the true market value of his real estate. Each professional bondsman licensed hereunder shall file with the Clerk of the Circuit Court of a County of the corporation, Circuit or Hustings Court of the city in which he is licensed not later than the fifth day of each month a list of all outstanding bonds on which he was obligated as of the last day of the preceding month, together with the amount of the penalty of each bond.

SEC. 3-10. OTHER REQUIREMENTS.

Any professional bondsman or agent for any professional bondsman qualified under this section, shall be subject to and governed by any reasonable rules of conduct or procedure set up by the Judge of the Circuit Court of Pittsylvania County, Virginia which may include a requirement that such bondsman or agent place a reasonable amount of cash or negotiable bonds in escrow with the clerk of said court to be held during the time such bondsman or agent is acting as a bondsman in said Court, provided that said clerk is acting under a bond of sufficient amount and coverage to insure protection against, loss, theft, or misappropriation. Upon his violation of such rules, he may, after hearing upon a charge of such violation, be suspended from entering into further bonds in said Court by the judge thereof. If such bondsman or agent fails to have in escrow with the clerk of said court a sum sufficient to cover any forfeiture of bond against him and fails or refuses to pay such forfeiture after notice and demand by the judge of the court he be suspended by such judge from entering into further bonds in said court until the forfeiture is paid or it is adjudicated that he is not liable thereon.

SEC. 3-11. PENALTIES.

Any person who violates or permits the violation of any of the requirements of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine or not more than three hundred (\$300.00) dollars or by imprisonment in jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. **(B.S.M. 1-3-62)**