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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2046 Session of  
2021

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INTRODUCED BY KLUNK AND ECKER, NOVEMBER 3, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 3, 2021

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in bonds and  
3 recognizances, further providing for definitions.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 5741 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 5741. Definitions.

9 The following words and phrases when used in this subchapter  
10 shall have, unless the context clearly indicates otherwise, the  
11 meanings given to them in this section:

12 "Bail bondsman." [A person who engages in the business of  
13 giving bail as a surety for compensation.] A professional  
14 bondsman or a surety bondsman.

15 "Business of giving bail" or "business of a bail bondsman."  
16 The term includes acting as a surety for a defendant,  
17 indemnifying a surety for a defendant or providing financial  
18 support for the release of a defendant on a monetary condition  
19 of release on bail with or without compensation to a defendant.

1 A person is engaged in the business of giving bail  
2 notwithstanding whether the person completes a necessary written  
3 obligation required by the court of a surety or by allowing a  
4 defendant for which a bond is issued to submit a necessary  
5 written obligation in the defendant's own name as surety.

6 "Department." The Insurance Department of the Commonwealth.

7 "Insurer." As defined in section 601-A of the act of May 17,  
8 1921 (P.L.789, No.285), known as The Insurance Department Act of  
9 1921.

10 "Office of the clerk." The office of the clerk of the court  
11 of common pleas of each judicial district in which a person  
12 engages in the business of a bail bondsman.

13 "Professional bondsman." A person who engages in the  
14 business of giving bail as a surety for compensation.

15 "Surety." A person who pledges security, whether or not for  
16 compensation, in exchange for the release from custody of a  
17 person charged with a crime prior to adjudication.

18 "Surety bondsman." A person who engages in the business of  
19 giving bail as a surety without compensation in a judicial  
20 district for at least three defendants within 30 days in  
21 criminal proceedings not arising out of the same transaction or  
22 occurrence.

23 Section 2. This act shall take effect in 60 days.