

HOUSE BILL 2714

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 11, Part 1, relative to bail bonds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-122, is amended by deleting subdivision (3) and substituting:

(3) A solvent corporate surety or sureties or a professional bail bondsman as approved, qualified, or regulated by §§ 40-11-101 – 40-11-144 and part 3 of this chapter. A bond shall not be approved unless the surety on the bond appears to be qualified. A court, magistrate, or clerk shall not require the posting of any additional deposits of security with the court by corporate sureties regulated by the department of commerce and insurance, pursuant to title 56, chapter 15, part 1. A court, magistrate, or officer shall not disqualify or restrict the posting of a bail bond by a corporate surety bond due solely to the fact that the surety is a corporate surety.

SECTION 2. Tennessee Code Annotated, Section 40-11-123, is amended by deleting subsection (b) and substituting:

(b) The district attorney general, or the court, magistrate, or officer, may examine the sureties on oath touching their sufficiency, in any manner that the district attorney general, or the court, magistrate, or officer may deem proper, except that the court, magistrate, or officer, pursuant to § 40-11-122, shall not require an additional deposit of security or disallow a bail bond posted by corporate sureties. The court or magistrate may also receive other testimony, either for or against the sufficiency of sureties. If a court, magistrate, or officer disqualifies a corporate surety or professional bail

bondsmen, then the defendant may request a hearing in which the district attorney general must establish by a preponderance of the evidence that the corporate surety or professional bail bond should be disqualified. If the court or magistrate disables or restricts the posting of bonds by a corporate surety regulated by the department of commerce and insurance, pursuant to title 56, chapter 15, part 1, in part or in whole, permanently or for any period of time, as to the posting of a bail bond or bonds in a particular case or in general within the court or magistrate's jurisdiction, then the court or magistrate must, in writing:

(1) Describe with particularity the specific disability or restriction upon the corporate surety and serve notice to the corporate surety of such disability or restriction within ten (10) days;

(2) Hear from the corporate surety in open court at the request of the corporate surety, or in writing, within thirty (30) days of such service having been given; and

(3) Issue a written ruling on any such disabilities or restrictions no later than sixty (60) days after notifying the surety of such disability or restriction, which the corporate surety may take an expedited appeal therefrom.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.