

SENATE BILL 1791

By Bell

AN ACT to amend Tennessee Code Annotated, Title 16
and Title 40, relative to bail bonds.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-105(a)(1), is amended by adding the following language to the end of the subdivision:

The defendant must receive a bail hearing to address any conditions of release or excessive bail within forty-eight (48) hours of arrest or being held to answer for any bailable offense, unless the defendant waives the right to such hearing.

SECTION 2. Tennessee Code Annotated, Section 40-11-117, is amended by deleting the section and substituting instead the following:

If the magistrate determines, by clear and convincing evidence, that conditions on a release on recognizance will not reasonably assure the appearance of the defendant as required, then the magistrate shall, in lieu of the conditions of release set out in § 40-11-115 or § 40-11-116, require bail to be given.

SECTION 3. Tennessee Code Annotated, Section 40-11-138(b)(1), is amended by adding the following to the end of the subdivision:

If the defendant was acquitted, the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, then the bondsman must return the premium fee paid by the defendant, but may retain an administrative fee of no more than one percent (1%) of the amount of the face value of the bond.

SECTION 4. Tennessee Code Annotated, Section 40-11-316(a), is amended by deleting the subsection and substituting instead the following:

(a) Professional bondsmen and agents of insurance companies making appearance bonds of a criminal nature shall assess a premium fee and related charges of ten percent (10%) of the amount of the face value of the bond, and the premium fee and related charges shall not be assessed more than once during the first twelve (12) months of the pendency of the charge or charges and indictment or indictments in either the trial court or any lower court. If a premium renewal fee and any related charges are assessed after the first twelve (12) months of the bond, then the renewal fee and charges are twenty percent (20%) of the original fee and charges. If the case is appealed to the court of criminal appeals or the supreme court of Tennessee, then there may be charged only one (1) additional premium fee of ten percent (10%) of the face value of the appearance bond for that court or courts.

SECTION 5. Tennessee Code Annotated, Section 40-11-316(c), is amended by deleting the subsection and substituting instead the following:

(c) Notwithstanding subsection (a), if a professional bondsman, or agent of an insurance company, is making a criminal appearance bond for a defendant who is not a resident of Tennessee, then the bondsman or agent may assess a premium fee and related charges of (15%) of the amount of the face value of the bond but only one (1) time during the first twelve (12) months of the bond. If a premium renewal fee and any related charges are assessed after the first twelve (12) months of the bond, then the premium renewal fee and charges are twenty percent (20%) of the original premium fee and charges. If the case is appealed to the court of criminal appeals or the supreme court of Tennessee, then there may be charged only one (1) additional premium fee of ten percent (10%) of the face value of the appearance bond for that court or courts.

SECTION 6. Tennessee Code Annotated, Section 40-11-318(g), is amended by deleting the first sentence of the subsection and substituting instead the following:

A bounty hunter or bondsman shall not wear, carry, or display any uniform, badge, shield, card, or other item with any printing, insignia, or emblem that purports to indicate, or copies or resembles an item that indicates, that the bounty hunter or bondsman is an employee, officer, or agent of any local, state, or federal government or any political subdivision of any local, state, or federal government.

SECTION 7. This act takes effect July 1, 2022, the public welfare requiring it.