

HOUSE BILL 1867

By Farmer

AN ACT to amend Tennessee Code Annotated, Section
40-11-151 and Section 40-11-316, relative to bail.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-316(c), is amended by adding the following language to the end of the subsection:

If a premium renewal fee and any related charges are assessed after the first twelve (12) months of the bond, the premium renewal fee and charges shall not exceed 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, there may be charged only one (1) additional premium fee, which shall not exceed ten percent (10%) of the face value of the appearance bond for that court or courts.

SECTION 2. Tennessee Code Annotated, Section 40-11-316, is amended by adding the following language as new subsections:

(d) A professional bondsman or an agent of an insurance company making appearance bonds of a criminal nature may agree to accept the premiums and initiation fees, set forth in subsections (a), (b), and (c), in equal installments; provided, that no interest or other fees, with the exception of transaction fees paid to third parties as costs for processing payments, are charged for the installment payments, and the full amount of the premium is to be paid during the first twelve (12) months of the bond.

(e) If the professional bondsman or an agent of an insurance company making appearance bonds of a criminal nature charges a premium renewal fee as authorized under subsections (a) or (c), the professional bondsman or agent may agree to accept the premium renewal fee and any associated charges in equal installments; provided,

that no interest or other fees, with the exception of transaction fees paid to third parties as costs for processing payments, are charged for the installment payments and the full amount of the premium renewal fee and any associated charges are to be paid within twelve (12) months of the initial assessment of the premium renewal fees.

(f) A professional bondsman or an agent of an insurance company making appearance bonds of a criminal nature may seek indemnification for any actual costs incurred by the professional bondsman in collecting any payment due under subsections (d) and (e), including attorney's fees and court costs; provided, that those costs are paid to third parties and that no portion of those fees is shared with, or retained by, the professional bondsman, with the exception of post-judgment interest as provided for under § 47-14-121.

(g) Nothing in this section shall limit the rights of the professional bondsman or an agent of an insurance company making appearance bonds of a criminal nature to seek indemnification for the costs, including reasonable attorney's fees and court costs, associated with attempting to apprehend, return, or surrender a forfeiting defendant.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.