

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
IN THE MUNICIPAL COURT OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

**JOINT GENERAL COURT REGULATION  
No. 99-02**

**In re: Professional Bail Bondsmen  
Pursuant to 42 Pa.C.S. § 5741 et seq.**

The Judicial Code, 42 Pa.C.S. § 5741 et seq., sets forth the requirements for obtaining a Professional Bondsman license in the Commonwealth of Pennsylvania, a prerequisite for permitting qualified individuals to post bail for criminal defendants awaiting trial. The Pennsylvania rules of criminal procedures authorize the local courts to impose additional requirements on sureties. See Pa.R.Crim.P.No. 4011(a). The within General Court Regulation is intended to set forth the additional requirements imposed by Philadelphia County on Professional Bondsmen licensed under the Judicial Code.

1. Applicability. The within General Court Regulation shall apply only to Professional Bondsmen licensed under the Judicial Code, 42 Pa.C.S. § 5741 et seq., and not to any of the other sureties identified in Pa.R.Crim.P.No. 4011.

2. Definition. A Professional Bail Bondsman is: “any person, other than a fidelity or surety company or any officers, agents, attorneys, or employees, authorized to execute bail bonds or to solicit business on its behalf, who: (1) engages in the business of giving bail, giving or soliciting undertakings or giving or soliciting indemnity or counter-indemnity to sureties on undertakings; or (2) within a period of 30 days has become a surety, or has indemnified a surety, for the release on bail of a person, with or without a fee or compensation, or promise thereof, in three or more matters not arising out of the same transaction.” 42 Pa.C.S. § 5741. Only the **person** who is granted a Professional Bondsman license by the Department of Insurance may post bail for criminal defendants, in the name exactly as it appears on the Professional Bondsman license, and not in the name of any business entity with which the licensed Professional Bondsman may be associated, nor in the name of any associate or employee of the licensed Professional Bondsman.

3. Requirements. In order to become qualified to issue bond in Philadelphia County, the Professional Bondsman must:

(a) obtain and maintain, at all times, a valid Professional Bondsman license issued by the Pennsylvania Department of Insurance, pursuant to 42 Pa.C.S. § 5741

et seq. The Professional Bail Bondsman must at all times be in full compliance with 42 Pa.C.S. § 5741 et seq. ;

(b) present satisfactory proof that he or she maintains an office in Philadelphia County from which his or her business is conducted pursuant to 42 Pa.C.S. § 5744, where service of notices may be made;

(c) certify that neither the Professional Bail Bondsman, his employees or agents have been convicted of any criminal offense. The Bail Bondsman's certification must be based on a criminal history search conducted for each employee or agent, and a copy must be attached to the list of employees or agents and certification submitted with the Petition as provided in the within Regulation, or forwarded to the President Judge of the Court of Common Pleas after the Professional Bail Bondsman has been qualified pursuant to this Regulation and the Bail Bondsman employs additional individuals. Conviction of the Professional Bail Bondsman, any of his or her employees or agents will render the Bail Bondsman ineligible to conduct business in Philadelphia County;

(d) immediately notify, in writing, the President Judge of the Court of Common Pleas if the Bail Bondsman, or any of his or her employees, has been charged with any criminal offense, or if his or her Professional Bail Bondsman license has been revoked, suspended or not renewed;

(e) post with the Prothonotary's office as security the minimum sum of \$ 250,000 in United States currency or unencumbered securities of the United States Government, which will entitle the Professional Bail Bondsman to write bond in the aggregate sum of \$1,000,000, by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the Bail Bondsman must post additional security with the Prothonotary in the event the Bail Bondsman wants to write bond in excess of \$1,000,000. The additional security to be posted with the Prothonotary shall be in units of \$250,000, which will entitle the Professional Bail Bondsman to write bond in the additional sum of \$1,000,000 per \$250,000 unit;

(f) not execute bonds if the aggregate maximum amount of outstanding bail undertakings, as determined by the First Judicial District from time to time, exceeds \$ 1,000,000, unless additional security has been posted with the Prothonotary as set forth above. Any Professional Bail Bondsman who has posted the maximum aggregate sum permitted by the security posted with the Prothonotary, shall be notified by the FJD to immediately cease executing additional bonds. No additional bonds will be accepted from the said Bail Bondsman. When additional security is posted by the Bail Bondsman, or the aggregate maximum amount of bail undertakings is reduced to an authorized amount, the FJD shall notify the professional Bail Bondsman that execution of bonds by the Bail Bondsman may resume;

(g) provide a financial statement certified by a Certified Public Accountant which verifies that the Professional Bail Bondsman has sufficient assets to satisfy all bail obligations undertaken by the Bail Bondsman in Philadelphia County and in other jurisdictions. A current certified statement shall be filed with the Petition provided herein, and thereafter shall be filed with the Prothonotary on an annual basis or as often as requested by the President Judge of the Court of Common Pleas;

(h) satisfy in full any judgment entered against the defendant, or Bail Bondsman as surety, for a defendant's violation of the bail bond within thirty (30) days of the issuance of the judgment. In the event the Bail Bondsman fails to do so, the judgment shall be satisfied from the funds posted with the Prothonotary pursuant to Section 3. In that event, the Bail Bondsman shall be prohibited from posting additional bail until such time as all judgments entered against the Bail Bondsman are satisfied in full and/or the security required by Section 3.(e) and (f) has been replenished;

(i) provide to the FJD a schedule of the fees to be charged criminal defendants for issuing the bail bond, and may not change said fees unless notice is given to the FJD at least thirty days prior to the effective date of the proposed revised fees;

(j) not represent or identify himself or herself, directly or indirectly, as employees or agents of the Commonwealth of Pennsylvania or First Judicial District. The Professional Bondsman, his or her employees or agents shall not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment by the Commonwealth of Pennsylvania, the First Judicial District or any of its units, such as Pretrial Services or the Warrant Unit;

(k) fully comply with all rules of court and procedures established from time to time.

#### 4. Process to be Utilized in Seeking Approval as a Professional Bail Bondsman.

Any person who has obtained a Professional Bail Bondsman license from the Pennsylvania Department of Insurance may obtain leave to write bail in Philadelphia County by filing a Petition with the Prothonotary's office. The Petition must provide the information, documents and certifications set forth in this Regulation. Upon filing, the Petition will be assigned to the President Judge of the Court of Common Pleas for determination.

5. Opportunity to Be Heard. A prospective Bail Bondsman whose Petition seeking approval to write bail in Philadelphia County is denied will be provided an opportunity to be heard. A Petition must be filed with the Prothonotary's office setting forth the relief requested and the factual basis supporting said request. Similarly, a Bail Bondsman who has received approval to post bail in Philadelphia County as provided in this Regulation, but has been prohibited from posting additional bail due to the application of

Section 3. may request a hearing by filing a Petition with the Prothonotary if the Professional Bail Bondsman believes he or she was incorrectly prohibited from posting additional bail.

6. Bail Piece Procedure. Whenever a bail piece is issued pursuant to Pa.R.Crim.P.No. 4016 and the absconding defendant is apprehended by the Professional Bail Bondsman, the Defendant shall be brought to such office or before such person as the FJD may from time to time designate.

This General Court Regulation is issued in accordance with Pa.R.Crim.P.No.4011 and shall become effective immediately. As required by Pa.R.Crim.P.No.6, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library, and the law library for the First Judicial District. The General Court Regulation will also be posted on the First Judicial District's website at <http://courts.phila.gov>.

/s/ Louis J. Presenza  
LOUIS J. PRESENZA  
PRESIDENT JUDGE  
MUNICIPAL COURT OF  
PHILADELPHIA COUNTY

Date: October 22, 1999

/s/ Alex BonavitaCola  
ALEX BONAVIDACOLA  
PRESIDENT JUDGE  
COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

Date: October 22, 1999