

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

**Joint General Court Regulation No. 2006-03**

***In Re: Bail Bonds Posted By Corporate Sureties And Their Agents***

Pennsylvania Rule of Criminal Procedure 528(D)(5) recognizes the surety bond of a surety company authorized to do business in the Commonwealth of Pennsylvania as an acceptable form of security to satisfy the full amount of the monetary condition of a defendant's release on bail. Rule 531 of the Pennsylvania Rules of Criminal Procedure permits, by local rule of court, additional requirements to be imposed on surety companies approved by the court. This Regulation sets forth the additional requirements imposed by the First Judicial District on corporate sureties and their agents.

1. *Applicability.* This Regulation applies to any corporate surety and its agents seeking to post a bond in satisfaction of the full amount of the monetary condition of a defendant's release on bail.

2. *Definitions.* For purposes of this Regulation:

(A) A "corporate surety" is any corporation, limited liability corporation or partnership which engages in the business of providing bail, providing or soliciting bail undertakings, or providing or soliciting indemnity or counter-indemnity to others on bail undertakings.

(B) A "bail enforcement agent" is an individual who performs services or takes action for the purpose of enforcing the terms and conditions of a defendant's release from custody on bail in a criminal proceeding, including locating, apprehending and surrendering a defendant released from custody on bail who has failed to appear at a specified time and place pursuant to court order. The term does not include police officers, sheriffs, court officers or law enforcement personnel who execute warrants of arrest for bail forfeitures pursuant to their official duties.

3. *Requirements.*

(A) To become qualified to act as a corporate surety, or agent thereof, with respect to the posting of bail bonds in the First Judicial District, a corporate surety and its agents must:

(1) present satisfactory proof that the corporate surety is licensed by the Pennsylvania Department of Insurance to do business in the Commonwealth of

Pennsylvania;

(2) present satisfactory proof of the agency relationship between the corporate surety and its agent(s). The execution of any bail bond by such agent(s) shall be a valid and binding obligation of the corporate surety;

(3) present satisfactory proof that any agent designated to act on behalf of the corporate surety is duly licensed by the Pennsylvania Department of Insurance;

(4) present satisfactory proof that the corporate surety maintains an office in Philadelphia County from which its business is conducted, pursuant to 42 Pa.C.S. § 5744, and where service of notices may be made. Every corporate surety shall keep at its office in Philadelphia County the usual and customary records pertaining to transactions authorized by its license and/or the license of any of its agents, including, but not limited to, such records of bail bonds executed or countersigned by the corporate surety to enable the court to obtain all necessary information concerning such bail bonds for at least 3 years after the liability of the surety has been terminated. Such records must be open at all times to examination, inspection, and copying by the court or its representative, and the court may at any time require the corporate surety to furnish it, in such manner or form as the court requires, any information concerning the bail bond business of the corporate surety;

(5) certify that neither the corporate surety, nor its employees or agents, have been convicted of any criminal offense. The certification must be based on a criminal history search conducted by the Pennsylvania State Police for each employee or agent, and a copy of the search results must be attached to the list of employees or agents and certification submitted with the Petition required by Section 4 of this Regulation. Conviction of a corporate surety, or any of its employees or agents, will render the corporate surety ineligible to conduct business in the First Judicial District;

(6) post with the Prothonotary as security the minimum sum of \$250,000 in United States currency or unencumbered securities of the United States Government, which will entitle the corporate surety to post bond in the aggregate sum of \$1,000,000, and by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the corporate surety must post additional security with the Prothonotary in the event the corporate surety intends to post bond in excess of \$1,000,000. The additional security to be posted with the Prothonotary must be in units of \$250,000 which will entitle the corporate surety to post bond in the additional sum of \$1,000,000 per \$250,000 unit;

(7) provide a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by or on behalf of the corporate surety in the First Judicial District and in other jurisdictions in which the corporate surety conducts business. A current certified statement must be filed with the Petition required in Section 4 of this Regulation;

(8) certify that only the corporate surety, which is approved by the President Judge of the Court of Common Pleas upon Petition as provided in this Regulation, may post bail for criminal defendants, in the name exactly as it appears on the surety's license, and not in the name of any agent or other business entity;

(9) provide to the First Judicial District a schedule of the fees to be charged criminal defendants for issuing the bail bond. Such fees may not change unless notice is given to the First Judicial District at least thirty days prior to the effective date of the proposed revised fees;

(10) certify full compliance with the training and education requirements set forth in Section 6 of this Regulation;

(11) upon approval of the Petition required in Section 4 of this Regulation, register with the First Judicial District and pay to the Prothonotary an initial registration fee of \$600, or such amount as may be established from time to time by the Court Administrator of the First Judicial District;

(12) certify that neither the corporate surety nor any agent or employee of such surety, will represent itself, directly or indirectly, as an employee or agent of the Commonwealth of Pennsylvania or First Judicial District. The employees and agents of the corporate surety must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment of the Commonwealth of Pennsylvania, the First Judicial District or any of its units, including the Pretrial Services Unit or the Warrant Unit of the First Judicial District;

(13) fully comply with all laws, regulations, rules of court and procedures as may be established from time to time.

(B) To remain qualified to post bond in the First Judicial District, the corporate surety and its agents must:

(1) maintain compliance with the requirements specified in Section 3(A) of this Regulation;

(2) provide quarterly statements certified by the corporate surety that it is in compliance with the security posting requirements specified in Section 3(A)(6) of this Regulation;

(3) provide, on a quarterly basis, or as often as requested by the Common Pleas Court President Judge, Municipal Court President Judge and Administrative Judge of the Trial Division, a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by the corporate surety and all agents acting on its behalf in the First Judicial District and in other jurisdictions in which the corporate surety conducts business;

(4) satisfy in full any judgment entered against a defendant, or the corporate surety, for a defendant's violation of a bail bond, within thirty (30) days of the issuance of the judgment. In the event the corporate surety fails to satisfy such judgment, the judgment will be satisfied from the funds posted with the Prothonotary pursuant to Section 3(A)(6) of this Regulation. In that event, the corporate surety will be prohibited from posting additional bail until such time as all judgments entered against the corporate surety are satisfied in full;

(5) immediately notify, in writing, the Common Pleas Court President Judge, Municipal Court President Judge and Administrative Judge of the Trial Division if the corporate surety, or any of its employees or agents, has been charged with any criminal offense, or if its license or the license of any of its agents has been revoked, suspended or not renewed in the Commonwealth of Pennsylvania or any other jurisdiction;

(6) not post bonds if the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Court Administrator of the First Judicial District, or the Court Administrator's designee, equals or exceeds \$250,000. The Court Administrator of the First Judicial District, or the Court Administrator's designee, shall promptly notify the Common Pleas Court President Judge, Municipal Court President Judge, the Administrative Judge of the Trial Division, the Municipal Court Bail Commissioners, the Philadelphia District Attorney, and the applicable bondsman of any corporate surety having reached this maximum limit. Immediately upon notification, no further bonds by the corporate surety are authorized or acceptable for posting. When full financial settlement has been made of the outstanding bail forfeitures, the Court Administrator of the First Judicial District, or the Court Administrator's designee, shall promptly notify the Common Pleas Court President Judge, Municipal Court President Judge, the Administrative Judge of the Trial Division, the Municipal Court Bail Commissioners, the Philadelphia District Attorney, and the applicable bondsman that posting of bonds by the corporate surety may resume;

(7) not represent or identify itself, directly or indirectly, as employees or agents of the Commonwealth of Pennsylvania or First Judicial District. The employees and agents of the corporate surety must 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, including the Pretrial Services Unit or the Warrant Unit of the First Judicial District;

(8) certify continued full compliance with the training and education requirements set forth in Section 6 of this Regulation;

(9) annually renew their registration with the First Judicial District, provide all certifications required by this Regulation and pay to the Prothonotary an annual renewal registration fee of \$600, or such amount as may be established from time to time by the Court Administrator of the First Judicial District;

(10) fully comply with all laws, regulations, rules of court and procedures as may be established from time to time.

4. *Process to be Utilized in Seeking Approval as a Corporate Surety.* Any corporate surety which is licensed by the Pennsylvania Department of Insurance may seek approval to post bail in the First Judicial District by filing a Petition with the Prothonotary. The Petition must provide the information, documents and certifications set forth in Section 3(A) of this Regulation. Upon filing, the Petition will be assigned to the Common Pleas Court President Judge, Municipal Court President Judge and Administrative Judge of the Trial Division for determination.

5. *Opportunity to Be Heard.* A corporate surety whose Petition seeking approval to post bail in the First Judicial District is denied will be provided an opportunity to be heard and to contest the denial. Any corporate surety seeking to contest the denial of its Petition for approval to post bail in the First Judicial District must file a Petition with the Prothonotary within thirty (30) days of the date of denial of its initial Petition, and set forth the relief requested and the factual basis therefor. Similarly, a corporate surety which has received approval to post bail in the First Judicial District as provided in this Regulation, but which has been prohibited from posting additional bail, or is otherwise ineligible to post bail in the First Judicial District, will be provided an opportunity to be heard. Any corporate surety seeking to contest its prohibition from posting additional bail in the First Judicial District, or any other ineligibility subsequent to its initial approval hereunder, must file a Petition with the Prothonotary within thirty (30) days of the date of the prohibition or determination of ineligibility, and set forth the relief requested and the factual basis therefor.

6. *Training and Continuing Education.*

(A) To register as a corporate surety desiring to post bail in the First Judicial

District, the corporate surety must certify that all employees and agents who will write any bail on its behalf in the First Judicial District complete not less than thirty (30) hours of education in subjects pertinent to the duties and responsibilities of corporate sureties, including, but not limited to, all laws and regulations relating thereto, the criminal justice system, rights of the accused, bail bond industry ethics, prohibited conduct and apprehension of bail fugitives. Additionally, a corporate surety desiring to post bail in the First Judicial District must certify that all employees and agents who will write any bail on its behalf in the First Judicial District have satisfactorily completed not less than eight (8) hours of continuing education in these subjects during the year preceding any renewal of its registration in the First Judicial District.

(B) (1) If a corporate surety, or any of its agents or employees, uses the services of a bail enforcement agent, the corporate surety must receive from such bail enforcement agent, prior to the corporate surety's utilization of such services, proof that the bail enforcement agent has satisfactorily completed a basic course of training and the continuing education requirements set forth below.

(2) The basic course of training must consist of at least forty-five (45) hours of training which includes instruction in:

(a) The following areas of the law:

(i) Constitutional law;

(ii) Procedures for arresting defendants and surrendering defendants into custody;

(iii) Civil liability;

(iv) The civil rights of persons who are detained in custody;

(v) The use of force; and

(vi) The history and principles of bail;

(b) Procedures for field operations, including, without limitation:

(i) Safety and survival techniques;

(ii) Searching buildings;

(iii) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and

(iv) The care and custody of prisoners;

(c) The skills required of bail enforcement agents, including, without limitation:

(i) Writing reports, completing forms and procedures for exoneration;

(ii) Methods of arrest;

(iii) Nonlethal weapons;

(iv) Qualifications for the use of firearms; and

(v) Defensive tactics;

(d) Principles of investigation, including, without limitation:

(i) The basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety; and

(ii) Ethics; and

(e) The following subjects:

(i) Courtroom demeanor;

(ii) Emergency first aid; and

(iii) Cardiopulmonary resuscitation.

(3) Additionally, a bail enforcement agent must satisfactorily complete not less than twelve (12) hours of continuing education in the above-specified subjects within the year prior to the utilization of his or her services by the corporate surety or its agents.

(C) All such training and education shall be provided by individuals or entities acceptable to the Common Pleas Court President Judge, Municipal Court President Judge and Administrative Judge of the Trial Division.

7. *Bail Piece Procedure.* Whenever a bail piece is issued pursuant to Pa.R.Crim.P. 536 and the defendant is apprehended by or on behalf of the corporate surety or its agents, the

defendant must be brought to such office or before such person as the First Judicial District may from time to time designate.

8. *Prohibited Conduct.* A corporate surety and its agents may not engage in prohibited conduct, which includes the violation of any applicable statute, rule, order or regulation, or the commission of any of the following acts by corporate sureties and/or their agents:

(A) having a license as a corporate surety, or agent thereof, revoked in this or any other state;

(B) being involved in any transaction which shows unfitness to act in a fiduciary capacity or a failure to maintain the standards of fairness and honesty required of a fiduciary;

(C) having any judgment entered which would reduce the surety's net worth below the minimum required for licensure;

(D) being convicted of any criminal offense;

(E) failing to promptly advise the Common Pleas Court President Judge, Municipal Court President Judge, Administrative Judge of the Trial Division and Court Administrator of the First Judicial District of any change in circumstances which would materially affect any of the statements, information or certifications required by this Regulation;

(F) using an unregistered agent to post bail or provide any bail undertaking on behalf of the corporate surety;

(G) using an individual or entity not contracted and appointed by the corporate surety to post bail or provide bail undertaking on behalf of the corporate surety;

(H) signing, executing or issuing bonds by a person or entity which is not registered as an agent of the corporate surety and/or for which there is no satisfactory proof of an agency relationship with the corporate surety;

(I) executing a bond without the appropriate counter signature by a licensed and/or authorized agent at time of issue;

(J) failing to account for or pay any premiums held in a fiduciary capacity;

(K) misstating or misrepresenting any material fact in the initial Petition required by this Regulation, or in any of the statements, information or certifications required by this Regulation;

(L) failing to preserve, and to retain separately, any collateral obtained as security on any bond;

(M) failing to return collateral taken as security on any bond to the depositor of such collateral, or the depositor's designee, within ten (10) business days of having been notified of the exoneration of the bond and upon payment of all fees owed to the corporate surety, whichever is later;

(N) offering or providing any consideration or gratuity to any person employed by, or incarcerated in, a jail facility, any person who has the power to arrest or to hold any person in custody, or to any court officers and attorneys to obtain or secure business;

(O) failing to deliver to the defendant, and any person providing collateral on the defendant's behalf, prior to the time the defendant is released from jail, a one-page disclosure form which, at a minimum, must include:

(i) the amount of the bail;

(ii) the amount of the surety's fee, including bail bond premium, preparation fees, and credit transaction fees;

(iii) the collateral that will be held by the surety;

(iv) the defendant's obligations to the surety and the court;

(v) the conditions upon which the bond may be revoked;

(vi) any additional charges or interest that may accrue;

(vii) any co-signors or indemnitors that will be required; and

(viii) the conditions under which the bond may be exonerated and the collateral returned;

(P) failing to provide the Pretrial Services Unit of the First Judicial District the fully executed one-page disclosure form required by Section 8(O) of this Regulation at the time bond is posted;

(Q) using a bail enforcement agent who has failed to comply with any of the requirements of this Regulation;

(R) charging excessive fees or other unauthorized charges;

(S) requiring unreasonable collateral as security;

(T) failing to provide an itemized statement of any and all expenses deducted from collateral, if any;

(U) advising, requiring or suggesting that, as a condition of posting a bail bond by a corporate surety, a defendant engage the services of a particular law firm or attorney;

(V) preparing or issuing a fraudulent or forged bail bond, power of attorney or other document;

(W) signing, executing, issuing or posting bail bonds by an unlicensed person;

(X) knowingly violating, advising, encouraging, aiding, abetting or assisting the violation of any applicable statute, court order, rule or regulation;

(Y) soliciting or procuring sexual favors as a condition of obtaining, maintaining or exonerating a bail bond, regardless of the identity of the person who performs such favors; and

(Z) providing legal advice or a legal opinion in any form.

This Regulation is issued in accordance with Pa.R.Crim.P. 536 and will become effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. 105, the original Regulation will be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the First Judicial District of Pennsylvania, and copies will be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedural Rules Committee. Copies of the Regulation will also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, *Jenkins Memorial Law Library*, and the law library for the First Judicial District. The Regulation will also be posted on the First Judicial District's website at <http://courts.phila.gov>.

**/s/ Honorable C. Darnell Jones, II**  
Honorable C. Darnell Jones, II  
President Judge,  
Court of Common Pleas,  
First Judicial District of Pennsylvania  
Date: April 4, 2006

**/s/ Honorable Louis J. Presenza**  
Honorable Louis J. Presenza  
President Judge,  
Municipal Court,  
First Judicial District of Pennsylvania  
Date: April 4, 2006

**/s/ Honorable James J. Fitzgerald, III**  
Honorable James J. Fitzgerald, III  
Administrative Judge, Trial Division,  
Court of Common Pleas,  
First Judicial District of Pennsylvania  
Date: April 4, 2006