

BAIL USA

**GUIDE TO
UNDERSTANDING
SURETY
BAIL BONDS**

WRITE IMPORTANT INFORMATION HERE

My Magisterial District Judge's Name _____

My Judge's Telephone Number _____

My Court Dates _____ Time _____

_____ Time _____

_____ Time _____

_____ Time _____

_____ Time _____

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_____ Time _____

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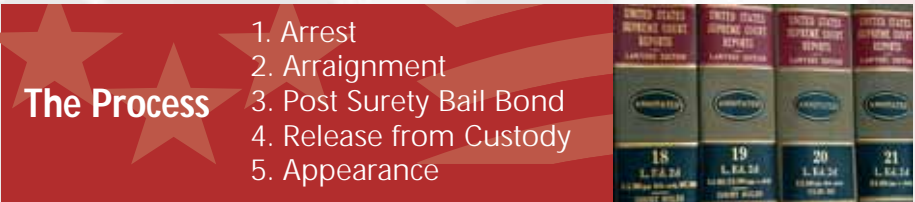
CHECKLIST

- Report to bail agent weekly
- Appear at all court hearings
- Obtain copy of court paperwork when case is discharged
- Call bail agent when case is over

UNDERSTANDING SURETY BAIL BONDS

In order to understand surety bail bonds you should have an understanding of the judicial process leading to the posting of a surety bond.

Understanding Surety Bail Bonds is a guide provided to inform and educate about this process. The information should not be construed as legal advice or opinion. You should direct all specific legal questions to an attorney licensed in your jurisdiction.



The Process

1. Arrest
2. Arraignment
3. Post Surety Bail Bond
4. Release from Custody
5. Appearance

Arraignment

Arraignment is the first appearance of the accused before a judge to address the charges against the accused and to set or deny bail.

If the judge sets bail, the accused may post bail, usually cash or through a bail agent. Going to a surety bail bond agent will cost you a percentage of the total bond. This is known as the bond premium, usually 10% of the total bond amount, but this varies from state to state. In Pennsylvania, Seneca Insurance Company has a 7% filed premium rate.

If the judge does not set bond or sets the bond too high for the accused and his family to afford, the accused stays in jail until the case is over or the bond is reduced to an affordable amount.

Prosecutor is a government attorney who presents the state's case against the defendant in a criminal prosecution.

Defense Attorney is the lawyer representing the defendant.

Public Defender is an attorney or a staff of attorneys, usually court appointed, having responsibility for the defense of those unable to afford or obtain legal assistance.



Arraignment Process

- ★ The accused will be brought by the arresting officers to appear before a Magisterial District Judge. *In some areas the accused will be arraigned in front of a camera in the jail which is broadcast to the courtroom where the Judge is.
- ★ The Judge hears details of the case.
- ★ The Judge explains the accused's rights and makes a decision whether to set bail and the arraignment is over.
- ★ If surety bail (sometimes referred to as straight bail) was set the accused can call a bail agent to post a bail bond. If the Judge sets a cash or own recognition bond the accused may be released immediately by paying the court, including a promise to return to court when required.
- ★ If the accused cannot afford to post a surety bond or the Judge denies bail, he/she is taken to jail.



How the Judge Decides Bail

Judges usually make decisions for bail based on many factors, including, but not limited to, prior criminal history, prior warrants, risk of flight, seriousness of the charges and ties to the community.

Surety Bail Agent is a person licensed with the State and appointed by an insurance company, who posts criminal bail bonds with the court. A surety bail agent performs an extraordinarily valuable public service to law enforcement and accused people alike. The posting of a surety bail bond frees up crowded jail space and permits defendants to participate more fully in their own defense. A surety bail agent, backed by the financial resources of surety insurance companies, makes possible the release of in excess of two million defendants annually, at no expense to taxpayers, by providing assurances to the state that the people charged with crimes will appear as scheduled to answer charges.

Bail is a constitutional right by which the United States criminal justice system permits the release of a defendant from custody while ensuring his appearance at all required court proceedings.

Surety Bail Bonds are bonds posted by licensed surety bail agents with the court, guaranteeing a defendant's appearance. According to a study by the U.S. Department of Justice Bureau of Statistics, surety bail consistently proved the most effective type of bail as defendants released on surety bail committed fewer crimes and appeared for their hearings more often than any other kind of release. This is because the appearance of defendants on a surety bail bond is the sole responsibility of the surety bail agent.

Premium is the amount charged by the surety bail agent to post a bail bond. The percentage is usually 10% but varies from state to state. The premium represents a fee for services rendered in securing the release of the defendant from custody and is non-refundable. In Pennsylvania, Seneca Insurance Company has a 7% filed premium rate.

Collateral is something of value placed with the surety bail agent to ensure the defendant's appearance in court. Should the defendant fail to appear when notified and cannot be apprehended and returned to the custody of the court, the collateral posted could be sold to cover the amount of the bail. The money would then be paid to the court in lieu of the defendant's appearance, however, it is worth noting that a bench warrant would remain in effect for the arrest of the defendant. An example of collateral could include a home, land, buildings, vehicles, etc.

Indemnitor is someone who promises the surety bail agent that a defendant will appear for all required court appearances and provides collateral for the bond.

An Interview with the Bail Agent

1. Payment of the premium is made.
2. Payment of expenses is made. *Expenses may include court filing fees, travel expenses, etc.*
3. Collateral is provided by the indemnitor and reviewed by the bail agent.
4. Bail Application and documents are explained by the bail agent and signed by the indemnitor and defendant.
5. Photograph taken of the defendant.
6. Surety bond is posted with the court.


How long does it take to be released on bond? The paperwork and interviews generally take less than an hour. The actual release time is determined by the jail, not the surety bail agent. Once the bail is posted with the court it may take as little as 30 minutes for release of defendant or as long as 12 hours. Times vary for each facility.

What is a detainer? A notification sent by a prosecutor, judge, or other official advising a prison official that a prisoner is wanted to answer criminal charges and requesting continued detention of the prisoner. Posting a surety bond for someone with a detainer does not guarantee his/her release from custody.

What is the defendant's responsibility to the bail agent?

1. Appear for all required court dates.
2. Report to the bail agent, on a weekly basis, either by phone or in person, as pre-determined during the bail interview.
3. Notify the bail agent of any change of address, telephone number, or employment.
4. Compliance with all conditions of bail.





How long is a surety bond good for? The bond is effective until full and final disposition of the case.

When do I get my collateral back? Collateral is returned to the indemnitor when the defendant's case is over and sentencing has occurred. There are rare occasions when sentencing does not conclude the bail obligation which will be explained to you by your surety bail agent.

What is a bench warrant? A bench warrant is a warrant issued by a judge or court authorizing law enforcement officials to apprehend an offender and bring that person to court.

What happens when a person fails to appear? The court issues a bench warrant for the defendant's arrest and the defendant is considered a fugitive. A surety bail agent has the authority to arrest and return the defendant to the required jurisdiction. A failure to appear increases an indemnitor's risk of forfeiting his/her collateral.

- ★ The surety bail agent immediately contacts the indemnitor to advise him/her that the defendant failed to appear and enlist his/her help in obtaining information about the defendant's whereabouts.
- ★ If you have missed a court appearance for whatever reason call your bail agent immediately. In many cases, the bail agent may be able to assist you in getting your court date re-scheduled or posting a new bond.
- ★ If the bail agent does not locate the defendant by the forfeiture date as set by the court, the bail agent remits the entire bond amount to the court and proceeds to liquidate indemnitor collateral.
- ★ Payment of the forfeited bond to the court does not release the bench warrant on the defendant. The warrant remains and the defendant is a fugitive and may be arrested at any time.

Forfeiture is an order by the court declaring the bond forfeited following a defendant's failure to appear. The surety bail agent is usually given an opportunity to recover the absconded defendant. If the surety bail agent fails to do so in the required time, the court orders payment of the forfeiture, which is the full amount of the bail bond.



Your local Surety Bail Agent is:



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