

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2046 Session of 2021

INTRODUCED BY KLUNK AND ECKER, NOVEMBER 3, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 15, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in bonds and
3 recognizances, further providing for definitions.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5741 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5741. Definitions.

9 The following words and phrases when used in this subchapter
10 shall have, unless the context clearly indicates otherwise, the
11 meanings given to them in this section:

12 "Bail bondsman." [A person who engages in the business of
13 giving bail as a surety for compensation.] A professional
14 bondsman or a surety bondsman.

15 "Business of giving bail" or "business of a bail bondsman."
16 The term includes acting as a surety for a defendant,
17 indemnifying a surety for a defendant or providing financial
18 support for the release of a defendant on a monetary condition

1 of release on bail with or without compensation to a defendant.
2 A person is engaged in the business of giving bail
3 notwithstanding whether the person completes a necessary written
4 obligation required by the court of a surety or by allowing a
5 defendant for which a bond is issued to submit a necessary
6 written obligation in the defendant's own name as surety.

7 "Department." The Insurance Department of the Commonwealth.

8 "Insurer." As defined in section 601-A of the act of May 17,
9 1921 (P.L.789, No.285), known as The Insurance Department Act of
10 1921.

11 "Office of the clerk." The office of the clerk of the court
12 of common pleas of each judicial district in which a person
13 engages in the business of a bail bondsman.

14 ~~"Professional bondsman."~~ "PROFESSIONAL BONDSMAN." A person <--
15 who engages in the business of giving bail as a surety for
16 compensation.

17 "Surety." A person who pledges security, whether or not for
18 compensation, in exchange for the release from custody of a
19 person charged with a crime prior to adjudication.

20 "Surety bondsman." A person who engages in the business of
21 giving bail as a surety without compensation in a judicial
22 district for at least three defendants within 30 days in
23 criminal proceedings not arising out of the same transaction or
24 occurrence.

25 Section 2. This act shall take effect in ~~60~~ 180 days. <--