

BOARD OF COMMISSIONERS,
COUNTY OF YORK,
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE 2004-06

IT IS HEREBY ORDAINED AND ENACTED, by the Board of Commissioners of the County of York, Pennsylvania the following Ordinance amending Chapter 179 of the York County Code by adding the following sections:

ARTICLE XIV
Bail Bondsmen

Section 179-80. Authority to Promulgate Regulations.

Pursuant to the York Rules of Criminal Procedure, Chapter 4000-Bail, Rule 4007, Supervision of Bondsmen, these regulations are being promulgated by the District Attorney and adopted by the County of York to insure that professional bondsmen are financially responsible and able to meet all bonding requirements.

Section 179-81. License or Authorization Required.

A. Professional Bondsmen.

1. No person shall engage in the business of giving bail in York County unless he or she is registered and currently licensed as a professional bondsman by the Pennsylvania Insurance Department.

2. Each professional bondsman shall file a copy of his or her license annually in the Office of the York County Clerk of Criminal Courts and the District Attorney's Office.

B. Fidelity or Surety Company

1. No fidelity or surety company shall engage in the business of entering bail unless it is authorized to act as a bail surety by the Pennsylvania Insurance Department.

2. Each fidelity or surety company shall file a copy of the Pennsylvania Insurance Department authorization to enter bail with the York County Clerk of Criminal Courts and the District Attorney's Office.

3. Each fidelity or surety company shall file a certified copy of a resolution of the board of directors, under corporate seal, authorizing the entering of bail for each bail when entered.

Section 179-82. Place of Business.

1. The professional bondsman and/or fidelity or surety company agent shall maintain a suitable place of business in a fixed location in York County, with a street address. Post office boxes are not acceptable as a business address.

2. The professional bondsman and/or fidelity or surety company agent shall visibly identify the place of business as a bail bondsman's office.

3. The professional bondsman and/or fidelity or surety company agent shall have a telephone, listed in his or her name under the address of the office.

4. The professional bondsman and/or fidelity or surety company agent shall answer the telephone in a manner indicating that the location is a bail bondsman's office.

5. The professional bondsman and/or fidelity or surety company agent shall authorize and designate a suitable individual, by specific name, at the place of business to accept service of process.

Section 179-83. Financial Responsibility.

A. Professional Bondsman.

1. The professional bondsman shall annually submit a full and complete personal financial statement to the District Attorney between January 1 and 15.

2. The professional bondsman shall notify the District Attorney of any decrease in personal net assets as soon as known.

3. The professional bondsman shall be permitted to write bail bonds not to exceed three (3) times his or her personal net assets.

B. Fidelity or Surety Company

1. The fidelity or surety shall not enter bail in excess of the limits approved by the Pennsylvania Insurance Department.

Section 179-84. Reporting.

A. Professional Bondsman.

1. The professional bondsman shall file monthly bond status reports to the York County Clerk of Courts and District Attorney, detailing all bail bonds executed and terminated, using the form supplied by the Clerk of Courts.

2. The professional bondsman shall notify the District Attorney of any change in the information to the most recently filed annual Professional Bondsman License Individual Application.

B. Fidelity or Surety Company

1. The fidelity or insurance company shall file a quarterly statement summarizing all bail entered by the company during the previous quarter, with the compensation charged therefor, with the York County Clerk of Criminal Courts and the District Attorney's Office.

Section 179-85. Bail Forfeiture.

A. If a defendant fails to appear or is found to otherwise have violated the conditions of bail, the District Attorney shall request the Court to declare the bail forfeited and issue a warrant for the defendant's arrest.

B. The District Attorney or Clerk of Courts shall notify the bail bondsman by mail at the registered address of the forfeiture of bail and arrest warrant.

C. If the professional bondsman and/or fidelity or surety company agent does not produce the defendant or pay the bail obligation into the Bail Bond Judgement Account in compliance with the provisions of Chapter 151 of the York County Code, the bondsman's right to post bail shall be immediately suspended until the obligation is paid or the suspension is lifted by the Court.

Section 179-86. Bail Pieces

A. The professional bondsman and/or fidelity or surety company agent shall return a bail piece to the York County Clerk of Courts after five (5) days after service of the bail piece upon the defendant..

Section 179-87. Monitoring.

A. The District Attorney shall conduct random checks to insure that professional bondsman and/or fidelity or surety company agent are in compliance with the requirements of this Article, and the requirements of the Pennsylvania Insurance Department.

Section 179-88. Noncompliance, Suspension, Termination.

A. Other than bail forfeiture provisions of this Article, the District Attorney shall give a written notice to a professional bondsman and/or fidelity or surety company agent not complying with any of the provisions of this Article or the requirements of the Pennsylvania Insurance Department. The notice shall include a detailed explanation of the provision that has not been complied with, and a reasonable number of days to respond and/or comply.

B. Other than bail forfeiture provisions of this Article, if the professional bondsman and/or fidelity or surety company agent does not comply or respond to the satisfaction of the District Attorney, the District Attorney shall petition the Court of Common Pleas for a rule, returnable in not less than ten (10) days, to suspend or revoke the ability to enter bail in York County.

Section 179-89. Approved Bail Bondsmen

A. The District Attorney shall annually prepare, and update as necessary, a listing of bail bondsmen approved to enter bail as professional bondsmen and/or fidelity or surety company agents in York County. The listing shall include name, address, identification number, telephone number, expiration date, authorized agents/power of attorney, and amount of bail limitations.

B. The District Attorney shall distribute the list of approved bail bondsmen to the York County Court Administrator, the Clerk of Criminal Courts, District Justices, County Solicitor, and County Prison.

Section 179-90. Severability.

A. The provisions of this Ordinance shall be considered severable, and if any clause, sentence, subsection or section shall be adjudged by any court of common jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair, or invalidate the remainder of the Ordinance, but shall be confined in its operation and application to the clause, sentence, subsection or part thereof rendered invalid or unconstitutional.

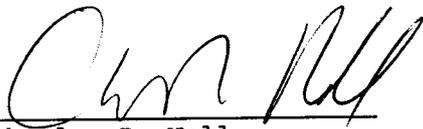
Section 179-91. Effective Date.

All provisions of this Ordinance shall take effect immediately.

Ordained and enacted this 6th day of October, 2004.

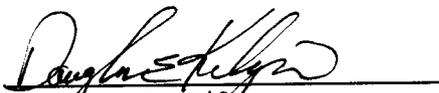
ATTEST:

COUNTY OF YORK


Charles R. Noll
Administrator/Chief Clerk


Lori O. Mitrick
President Commissioner

(SEAL)


Douglas E. Kilgore


Steve Chronister

Ordinance 2004-06 was ordained, enacted, and adopted this 6th day of October, 2004 at a regularly scheduled meeting of the Board of Commissioners of the County of York duly advertised and assembled upon motion of Douglas E. Kilgore and seconded by Steve Chronister and passed by a vote of 3 yes and 0 no.

LEGAL NOTICE

Notice is hereby given that the Commissioners of the County of York, Commonwealth of Pennsylvania, will consider Ordinance 2004-06 at their regularly scheduled meeting on October 6, 2004 at 10:00 a.m., in the Commissioners' Meeting Room, 1 West Marketway, 4th Floor, York, Pennsylvania. The Ordinance to add Article XIV to Chapter 179, District Attorney's Office, to provide regulations that will ensure that bail bondsmen are financially responsible and able to meet all bonding requirements.

A certified copy of Ordinance 2004-06 may be examined at the York County Commissioners' Office, 1 West Marketway, 4th Floor, York, PA during normal working hours, or at the Law Library, York County Judicial Center, 45 N. George Street, York, PA.

In accordance with the Americans with Disability Act, the public can request accommodations for persons with disabilities to attend this meeting by calling York County at 717.771.9099. For individuals with a hearing impairment, contact the Deaf Center, 717.848.2585, or 717.848.6765 (TDD).

BOARD OF COMMISSIONERS

Lori O. Mitrick, Pres.

Douglas E. Kilgore

Steve Chronister

Legal ad, one (1) time on September 29, 2004 in York Daily Record, York Dispatch, Hanover Evening Sun, Patriot-West Shore.

I certify the attached to be a true and correct copy of proposed Ordinance 2004-06.

Date:

Charles R. Noll
Administrator/Chief Clerk