

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF TUCKER, GEORGIA FOR THE PURPOSE OF AMENDING THE TUCKER CODE OF ORDINANCES, CHAPTER 26 MUNICIPAL COURT, TO ADD A NEW ARTICLE V RELATED TO BAIL BOND AGENTS; TO REPEAL CONFLICTING LAWS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

SECTION ONE

Article III of Chapter 26 is hereby amended by striking Section 26-69 as follows:

Sec. 26-69. ~~Professional bondsmen.~~ Reserved.

~~No professional bondsman shall be accepted as surety on a bail bond unless the bondsman complies with O.C.G.A. § 17-60-5 et seq.~~

SECTION TWO

A new Article V of Chapter 26 is hereby adopted to read as follows:

ARTICLE V. BAIL BOND AGENTS

Sec. 26-200. Definitions.

Accused means any person charged with a violation of state law or municipal ordinance violation that carries the possible punishment of incarceration and is within the jurisdiction of the Municipal Court.

Bail bond agent means any person or entity conducting a business of arranging, posting and acting as surety on bonds for an accused within the jurisdiction of the Municipal Court for compensation and is inclusive of the terms “bondsmen” and “bonding agent.”

Bond means cash or real property supplied to secure the attendance of an accused or a witness before the Municipal Court.

Bonding means the act of supplying bond on behalf of an accused.

Municipal Court means the Municipal Court of the City of Tucker, Georgia.

Principal means the accused for whom bond is supplied.

Sec. 26-201. Qualifications.

- (a) All bail bond agents must be approved by the Sheriff and meet the requirements of O.C.G.A. § 17-6-50 and all related and pertinent sections of the Official Code of Georgia Annotated at all times when supplying or offering to supply bond on behalf of an accused to the Municipal Court.
- (b) No owner, partner, stockholder, officer, director, limited liability company member, or any other interested party connected with a bail bond agent, nor any employee thereof, shall have been convicted of a felony, other crime involving moral turpitude or any illegal sale or possession of a controlled substance or dangerous drug under federal or state law. Any subsequent convictions, including nolo contendere pleas, of the foregoing shall automatically act to void their ability to offer surety for an accused and any such bail bond agent shall be responsible for immediately notifying the Director of Court Administration, in writing, of such a conviction or nolo contendere plea.
- (c) All bail bond agents and other interested persons connected with a bail bond agent must agree to be fingerprinted and photographed by the City.

Sec. 26-202. Certificate of Authority.

A certificate of authority ("certificate") is required for any and all bail bond agents acting in the city. The certificate is renewable annually unless the applicant has defaulted under this article, ceases to be in good standing or has violated other federal and state laws applicable to bail bond agents or their business. No bail bond agent shall commence to do business or continue to do business in the city without a valid certificate of authority. Certificates of authority are nontransferable. Certificates shall be issued in a form and format determined by the city and shall be applied for on a form provided for by the city. Any fees associated with the issuance of the certificate shall be set pursuant to the city's fee schedule. All certificates of authority are for a term of one year, and must be renewed annually.

Sec. 26-203. Applications for Certificates of Authority.

Each applicant for a certificate of authority shall submit the following information at a minimum:

- (1) Trade name and business address;
- (2) Applicant's name and residence address;
- (3) Name and residence address of all interested persons, to include owners, partners, stockholders, limited liability company members, officers and directors together with financial and background information on these individuals;

- (4) Manager's name and residence address;
- (5) Employee's names, ages, and residence addresses, including all representatives who will function within the City on behalf of applicant; and
- (6) Such other information as may be required by the City.

Sec. 26-204. Deposit of negotiable securities required.

- (a) No certificate of authority shall be issued to any bail bond agent until the bail bond agent has deposited with the city cash or negotiable securities in the sum of \$50,000.00, to be held by the city and subject to levy and execution by the city to the extent of any individual bond forfeitures not paid to the city, provided that this sum of \$50,000.00 shall not limit the amount of liability of a professional bondsperson to the city and the bondsperson shall remain liable to the city for the total amount for which the bondsperson is responsible.
- (b) If any payment is made from the fund deposited by any bail bond agent, the bail bond agent shall deposit additional cash or negotiable securities in order to maintain the fund at the amount of \$50,000.00.
- (c) The value of any security or other property approved for use in the signing of bonds or the financial backing of bonds shall be determined from the market value of that security or other property on the date of the deposit or the signing of the bond. On any subsequent date on which this value is again in question, the market value on that subsequent date shall control.
- (d) The deposit of a bail bond agent with the city shall be increased as necessary so that it shall always equal not less than ten percent of the bondsperson's outstanding bonds, provided that the minimum deposit shall be \$50,000.00.

Sec. 26-205. Bond Disposition.

- (a) In the event of the nonappearance of the principal in the municipal court on the appointed date and time, the judge shall, at the end of the court day, forfeit the bond.
- (b) When the condition of the bond is satisfied or the forfeiture of the bond has been discharged or remitted, the judge shall make an order canceling the bond. Conviction or acquittal of the defendant shall satisfy the terms of the bond written by a bail bond agent.

Sec. 26-206. Denial; Revocation of Certificates of Authority and Appeal.

- (a) The Director of Court Operations and/or the City Manager may deny an application for a certificate of authority issued to any bail bond agent for failure to meet any of the requirements of the provisions of this Article or any provision of state law.

- (b) The Director of Court Operations and/or the City Manager may revoke or suspend a certificate of authority issued to any bail bond agent for failure to meet any of the requirements of the provisions of this Article or any provision of state law.
- (c) An applicant for a certificate of authority or a bail bond agent that has had their certificate of authority suspended or revoked may appeal such denial, revocation, or suspension to the Director of Court Services and/or the City Manager.
- (d) Upon receipt of an appeal referenced in subsection (c), the Municipal Court shall schedule a hearing on such appeal within 30 days. Notice shall be provided to the appellant and the City Attorney at least two weeks prior to the hearing. The appeal shall be decided by a Judge of the Municipal Court based upon the preponderance of the evidence.
- (e) Notwithstanding the outcome of any appeal under this section, bail bondsmen shall remain liable to the city on any outstanding amounts owed on any bonds.

Sec. 26-207. Power of Court.

Nothing contained in this Article shall be construed to restrict or diminish the jurisdiction, power, authority, and discretion of the Municipal Court provided by the City Charter or state law to establish bail schedules, or to honor bails, bonds, and recognizes whether made in accordance with this Article or pursuant to the authority of a Sheriff or any Court of competent jurisdiction.

SECTION THREE

Any ordinance in genuine conflict with the provisions contained herein is hereby repealed.

SECTION FOUR

This ordinance shall take effect July 1, 2025.

SO ORDAINED, this 12th day of May 2025.

Approved:

Frank Auman, Mayor
City of Tucker

ATTEST:

Bonnie Warne, City Clerk [SEAL]