

BEN C. CLYBURN
Chief Judge

ROBERTA L. WARNKEN
Chief Clerk



ASSISTANT CHIEF CLERKS:

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DISTRICT COURT OF MARYLAND
HEADQUARTERS
MARYLAND JUDICIAL CENTER
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ANNAPOLIS, MARYLAND 21401-2395
(410) 260-1225

September 3, 2013

REVISED POLICY ON ABSOLUTE BOND FORFEITURES

Dear Professional Surety:

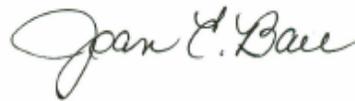
The District Court Headquarters practices and procedures for handling outstanding absolute bond forfeitures and bond forfeitures in appeal status have been revised for clarification and to comply with Rule 4-217 (d). This revised notice replaces all previous notices.

- (1) The outstanding absolute bond forfeiture report will be run each month beginning May, 2013 and will be verified by clerks at the court locations.
- (2) Any professional surety having absolute bond forfeitures on the list after verification by the courts will be sent a final report and the deadline for satisfying any outstanding forfeitures prior to default.
- (3) District Court systems have been changed to discontinue closure of bond forfeitures when a defendant is produced in court after the allowed 90 days (180 days if extension was granted). The clerk will enter a judgment in the bond forfeitures that were closed in error without judgments, and the forfeitures will appear on the Absolute Forfeitures in Default Report.
- (4) A forfeiture will remain outstanding when a defendant is produced in court **after** the allowable time, unless the forfeiture is satisfied by payment, stricken by order of court, or an appeal has been filed and the court has decided that enforcement should be stayed by the filing of a supersedeas bond or other security.
- (5) Production of the defendant in court, surrender, or payment **within** the 90 day time period (180 days if extension was granted) will continue to automatically close the forfeiture.
- (6) *If an appeal is taken, the State's Attorney may still enforce the bond forfeiture judgment, unless an appeal has been filed and the court has decided that enforcement should be stayed upon posting of a supersedeas bond or other security. If the judge sets an appeal bond or other conditions for a stay, the appeal bond must be posted or conditions must be met to stay enforcement. If enforcement is not stayed, the bond forfeiture will remain on the Absolute Forfeitures in Default Report and the surety may be removed from the list of authorized sureties. (Maryland Rules 3-632, 7-111, 8-422 govern a stay of enforcement of a bail bond forfeiture judgment during an appeal.)

*See Notice on Appeals under separate cover for further details regarding graduated implementation dates and requirements to avoid default status.

Your patience and cooperation during implementation of these new procedures is greatly appreciated. Please direct any questions or comments regarding the new procedures in writing to Polly Harding, Administrator of Administrative Services at District Court Headquarters or by email to polly.harding@mdcourts.gov. Any questions regarding the status of a District Court or circuit court bond forfeiture should be directed to the appropriate court location.

Sincerely,

A handwritten signature in cursive script that reads "Joan E. Baer".

Joan E. Baer
Assistant Chief Clerk

cc: The Honorable Ben C. Clyburn, Chief Judge
Roberta L. Warnken, Chief Clerk
David Durfee, Esq., Executive Director of Legal Affairs
Jamie Walter, Assistant Chief Clerk, Operations
Polly Harding, Administrator
Administrative Clerks