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Local bondsmen seek change in bail lawby The Associated Press
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By Cassie Shaner

The Dominion Post, Morgantown, W.Va.

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Sept. 05--Bail bonding is regulated at the county level in West Virginia, but two local bondsmen want to see statewide rules implemented.

Bill Garvin, owner of Bill's Bail Bonds, hopes a bill establishing statewide regulations will be introduced during the 2012 legislative session.

He said bail bonds are regulated by justice departments in some states and insurance commissions in others. Either way, he said it's better than allowing counties to establish their own rules.

"It's so fragmented," Garvin said. "In some counties, they require criminal background checks 1/8for bondsmen3/8. In some counties, all you have to do is sign an affidavit."

Garvin said the current system is advantageous to some bondsmen, because there's little oversight. But implementing statewide rules would create consistent rules from county to county and cut down on paperwork.

"I'm in 23 counties," Garvin said. "I have to issue 23 1/8financial3/8 reports. It would be easier to issue one report 1/8for all 23 counties3/8."

John Cox, CEO of ABC Bail Bonding, also thinks the state should regulate bonds by establishing set amounts for each crime, rather than leaving it up to magistrates.

"Justice should be fair for everybody, and it's not," Cox said.

Bond for one man arrested last weekend for domestic battery was set at \$5,000, for instance. But bond for another man, arrested the following day, was set at half that amount -- \$2,500.

Existing state rules for bondsmen prohibit them from procuring business through law enforcement officers, court employees and attorneys, or receiving compensation other than their regular bonding fee. Most local bonding companies charge 5 or 10 percent of the total bond, which is set by a county magistrate.

Bail bondsmen are authorized to conduct business in most counties by circuit court judges, based on a financial statement filed with the court each year. They must be of "good moral character," according to state code, and must not have been convicted of a crime that involves "moral turpitude."

Dave Shane, owner of AAA Bail Bonds, doesn't think there's a reason to alter the existing process by implementing

statewide regulations.

"The judge sees it firsthand, right up close," Shane said. "We're not in Charleston trying to decide what's going on in Martinsburg. It's a gimmick, I think, to put it under the insurance commission's control."

Shane is a retired Morgantown firefighter who owned rental property for 30 years. He and Cox use their personal assets to back their bonds, while Garvin is backed by an insurance company -- Seneca Insurance, which provides bail bonds through Bail USA.

Garvin's company has a \$5 million liability limit set by the court, based on his insurance coverage. "Liabilities are like a line of credit," he said. Bonds "reduce our collateral, and we have to stay within our collateral limits."

The total value of Garvin's outstanding liabilities -- in 23 counties -- is about \$2.8 million, and he said he's only had to forfeit two bonds totaling \$4,500 in 13 years as a bail bondsman.

Bonds can be forfeited when someone charged with a crime fails to show up for court. Garvin and Cox require many clients, particularly those released on larger bonds, to check in regularly by phone to ensure they haven't left town.

The bondsman is notified when a client skips town, Shane said, and then a hearing is held, giving the bondsman a chance to explain what he's doing to locate the defendant. Most judges don't push for forfeiture, Garvin said, because they would rather the bondsman find the missing individual.

Shane and other bondsmen often hire private investigators or bounty hunters to locate clients, but Garvin and Cox use their own employees. As officers of the court, Cox said bail bondsmen and their agents can arrest clients anywhere and anytime, giving them more authority -- in some cases -- than a U.S. marshal.

Though he's had to forfeit "quite a few" bonds during 36 years in the business, "I've actually arrested 1,598 people who've failed to appear in court," Cox said. "I've been all over the country."

Even if a bond is forfeited, state code allows it to be returned to the bondsman if the defendant is located within two years.

It's in a bondsman's financial interest to locate clients who miss their court hearings, but not just to avoid forfeiture. Those clients -- or their co-signers -- are responsible for paying the bondsman the full amount of the bond once they're located.

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