



NC bill would benefit bail bonds industry

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RALEIGH, N.C. (AP) — A last minute tweak to a bill ratified during last month's three-day legislative session makes it easier for the state's bail bondsmen to recover money if a defendant skips court.

Critics say the new measure could encourage bondsmen to take on riskier clients, potentially springing more dangerous criminals from jail and putting them on the streets.

State Rep. Justin Burr, R-Stanly, who is a bail bondsman, is listed as one of four primary sponsors of House Bill 335. He said this week he has no idea how the proposed change benefiting his industry ended up in legislation that originally dealt with prison maintenance.

Burr recused himself from voting on the Republican-backed bill, which was approved largely along party lines at the end of a session called to consider a voter referendum for a proposed amendment to the state constitution banning same-sex marriage. He said he was surprised to see the bail-bonds measure added to the version of the bill that emerged from a closed-door conference committee of House and Senate leaders.

"I saw it whenever it came out," said Burr. "I was not on the conference committee. You'll have to talk to someone on the conference committee."

Rep. David Guice, R-Transylvania, a bill sponsor who served on the conference committee, said he couldn't remember when the change was made or who requested it.

"There were a number of things put into that bill because basically it was the last tool to help move legislation along," said Guice, a retired chief probation officer. "I don't recall where the specific language in that bill came from."

The bill is now on the desk of Democratic Gov. Beverly Perdue. She has until Oct. 14 to sign the bill, veto it or let the legislation become law without her signature.

"The bill contains a number of provisions, many of which have nothing to do with each other," said Chris Mackey, Perdue's press secretary. "Gov. Perdue clearly supports some of the provisions, but has concerns about certain others. She's evaluating the bill and will make a determination about how to proceed."

Bail bondsmen pay cash bonds to secure the release of people jailed on criminal charges, earning a maximum fee equaling 15 percent of the bond. Under state law, bond money

forfeited when a defendant fails to show up for court goes to local school systems.

There are a handful of exemptions under which a bail bondsman can file a motion with the court to get their money back, such as if the defendant is dead or is already in prison on other charges. School systems then have 20 days to object to that motion.

North Carolina bail bondsmen have been known to file false information with the courts about their client's whereabouts in an effort to recover lost bonds. For example, court records show a Beaufort County judge ruled in 2008 that a pair of local bail bondsmen had filed false motions in 83 cases totaling \$70,300.

Earlier this year, the N.C. Court of Appeals ruled that a school system could seek to recover a bond even after the 20-day deadline if it was later determined if information in a bail bondsman's motion to recover the money was untrue. The issue sprang from a Johnson County case involving a \$600,000 bond for an alleged child rapist who skipped bail and fled to Mexico.

A one-sentence change to state law made in the new bill orders county clerks of court to enter orders giving bondsmen their money back after 20 days "regardless of the basis for relief asserted in the motion, the evidence attached, or the absence of either."

Leanne Winner, the director of government affairs for the N.C. School Boards Association, said the measure effectively gives school systems only 20 days to uncover and object to potential fraud.

"The language in the bill now, in our opinion, will do three things: It will make fraud in the court system much more difficult to find, it will cost school districts money in very difficult economic times, and it will increase the burden upon the court system," Winner said.

Winner said no one has ever compiled just how much the state's 115 public school districts get each year through forfeited bonds, but she said the figure is likely several million dollars.

Records show the N.C. Bail Agents Association has given more than \$83,000 to the campaigns of legislators from both parties over the last 15 years through its political action committee. Burr has received \$8,000 from the group during his two terms, the maximum allowed by state law.

Mike Mann, the group's chief lobbyist, said the association supported the change in House Bill 335. But he said the specific language for the change originated with the N.C. Administrative Office of the Courts, which runs the state's judicial system.

"This is not some brainchild of the bail bonds association," Mann said Wednesday.

Mann said AOC officials were concerned that in the wake of the appeals court ruling that

county clerks of court would be left in the uncomfortable position of deciding on the merits of the motions filed by bail bondsmen.

Sharon Gladwell, spokeswoman for the state AOC, could not immediately be reached for comment Wednesday.

Some Democratic legislators tried unsuccessfully to block the measure when it came to a vote on Sept. 14.

Rep. Rick Glazier, D-Cumberland, said the change would dramatically reduce the risk for bail bonding companies deciding whether a defendant is a good gamble to show up for future court hearings.

"There is far less incentive not to bond somebody out and take the risk if they if they know the court is always going to remit the forfeiture," Glazier said on the House floor.

Sen. Tom Apodaca, the owner of two bail bonding companies and a co-founder of the industry's state association, recused himself from the final vote on the bill. However, he said he is always available to answer questions from other legislators about issues affecting the bail bonding industry.

As chairman of the Senate Rules Committee, Apodaca also has great influence over which bills go to the chamber's floor for a vote.

"I tried to keep arm's length from this because I don't need the headaches," Apodaca, R-Henderson, said of the potential for a conflict of interests. "Was I glad to see it pass? Sure."

Though he had not read the bill, he said any suggestion that bail bondsmen would commit fraud to get their forfeited money back is being overblown. To do so, he said, would open the agent to criminal charges and civil fines.

"That was a problem in the past with rouge agents," Apodaca said. "The courts can let you have it. You can lose your license, go to prison. Now do I think they're not enforced enough? Yeah, sometimes I do. But it's just like any other industry. You're going to have some bad people and it gives everybody a black eye."

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