

What You Need to Know About...

BONDS

This pamphlet contains information about the responsibilities and conditions of posting bond for a criminal defendant (or material witness) and explains the court's policies and procedures on the handling of bonds.

WHAT IS A BOND?

Bond is security which allows a criminal defendant to be released from custody. This is to ensure the defendant's appearance as instructed by the Judge who sets bond at the bond hearing.

Bonds may be ordered in the form of a fully or partially secured bond, personal recognizance (signature bond), or an unsecured bond. They may be secured by cash, through a commercial bond agent (bond company), real property, or combination of forms. All bonds must be ordered by the Court before acceptance by the Clerk's Office.

The person posting bond is known as the Surety.

WHERE ARE BONDS POSTED?

Bonds are posted in the Clerk's Office where Sureties will be informed of their obligations and responsibilities. Sureties should go to the Clerk's Office as early in the day as possible because release of a defendant is a time-consuming process.

Same day release **CANNOT** be guaranteed.

Bond may be revoked if the defendant fails to appear as required or violates any condition of release. The Judge may then declare any property (including the full amount of a cash bond) to be forfeited to the United States.

HOW ARE BONDS POSTED?

Secured (Cash) Bonds

Bonds are posted at the District Court Clerk's Office in the form of certified checks, cashier's checks (made payable to Clerk, U.S. Courts), or money orders.

Bonds with a surety amount greater than \$500 are routinely placed into an interest-bearing account and the person posting bond must provide a social security number.

The Court is required to report any bond exceeding \$10,000 to the Internal Revenue Service. Sureties may need to provide additional information.

Personal Recognizance and Unsecured Bonds

Personal recognizance bonds (signature bonds) and unsecured bonds do not require a surety and are satisfied when the defendant signs the paperwork. This is usually done in the courtroom immediately following the bond hearing.

Corporate Surety Bonds (Bond Companies)

Bond companies must comply with certain guidelines and must be on the Department of Treasury's Listing of Approved Sureties (Circular 570). This listing is available on-line at:

<http://www.fms.treas.gov/c570/c570.html>

The bond company's agent must present a power of attorney which states it is for a federal bond.

Property Bonds

Real estate may be approved as collateral to secure a bond and this is called a Property Bond. Property used for bond must be free and clear of all liens. A current title opinion and a security deed conveying the property to the United States must be provided. The security deed is then recorded in the Superior Court Clerk's Office in the county where the property is located.

Property bonds are the responsibility of the Surety. They are time consuming and generally require a real estate attorney to conduct the title search and prepare the security deed.

HOW ARE BONDS RETURNED?

Secured (Cash) Bonds

Once the conditions of the bond have been satisfied (i.e., the defendant surrenders into custody or is acquitted of the charges), it is refunded as soon as the business of the office allows.

If the defendant is allowed to voluntarily surrender, bond will not be returned until the defendant reports to the facility designated by the Bureau of Prisons.

Refunds checks are mailed to the Surety whose name appears on the receipt.

In rare instances, the Court may order bond funds transferred to the Treasury of the United States as payment of an imposed special assessment, fine and/or restitution pursuant to 28 U.S.C. § 2044.

Personal Recognizance and Unsecured Bonds

Signature bonds and unsecured bonds expire automatically upon satisfaction or completion of the terms set forth in the bond.

Corporate Surety Bonds

Surety bonds normally expire automatically upon satisfaction or completion of the terms set forth in the bond.

Property Bonds

Property bonds are maintained in the Clerk's Office. A "Release of Lien" will be executed upon satisfaction or completion of the terms set forth in the bond.

WHO TO CONTACT ABOUT A BOND

Questions should be addressed to the appropriate divisional office.

For Albany cases:

United States District Court
Middle District of Georgia
201 West Broad Avenue
Albany, GA 31701
(229) 430-8432

For Athens, Macon, Thomasville, and Valdosta cases:

United States District Court
Middle District of Georgia
P.O. Box 128
Macon, GA 31202
(478) 752-3497

For Columbus cases:

United States District Court
Middle District of Georgia
P.O. Box 124
Columbus, GA 31902
(706) 649-7816

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**Posted in the
U.S. District Court
Middle District of Georgia**

