

COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

RULES OF CONDUCT AND PROCEDURES

FOR BAIL AGENTS AND PROPERTY BAIL AGENTS

1. Each bail agent who acts as surety or property bail agent who posts U.S. currency, United States postal money orders or cashier's checks, for any bond written in the Court, must register annually with the Clerk of Court for Court of Common Pleas.
2. In accordance with 18 Del.C. § 4346(a), any bail agent or property bail agent doing business with the court must provide the Clerk of Court with a street address, which shall serve as a principle place of business accessible to the public and at which the bail agent may be personally served with any notice. The bail agent or property bail agent shall notify the Clerk of Court in writing within ten (10) business days of any change of street address or legal name.
3. A person may not act in the capacity as a bail agent or a property bail agent and perform any of the functions, duties, or powers prescribed for such agents unless that person is qualified, licensed and appointed as required under 18 Del.C., Ch. 43.
4. A bail agent or property bail agent shall not concurrently be employed or licensed by more than one bail bond business entity, pursuant to 18 Del.C. 4344(a).
5. A designated bail agent or designated property bail agent is responsible for the acts/omissions of bail agents or property bail agents working under his/her authority only insofar as the agent is acting within the scope of his/her employment, pursuant to 18 Del.C. § 4344(b).
6. A bail agent or property bail agent shall maintain his/her office with that of a designated bail agent or designated property bail agent by whom he/she is employed, pursuant to 18 Del.C. § 4344(c).
7. Each bail agent's license or property bail agent's license shall remain in the custody of the designated bail agent or the designated property bail agent by whom he/she is employed. Upon termination of such employment, the designated bail agent or designated property bail agent shall give written notice to the Department, pursuant to 18 Del.C. § 4344(d).
8. A bail agent or property bail agent is prohibited from referring a defendant to a particular attorney, pursuant to 18 Del.C. § 4350(a)(1).

9. A bail agent or property bail agent shall not solicit business in or about any place where prisoners are confined or in any court, pursuant to 18 Del.C. § 4350(a)(2).
10. A bail agent or property bail agent may not pay a fee or give or promise anything of value to any person in order to secure a bail bond to facilitate a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof, pursuant to 18 Del.C. § 4350(a)(3).
11. A bail agent or property bail agent shall not pay a fee or promise anything of value to an attorney in bail bond matters, except for legal services rendered, pursuant to 18 Del.C. § 4350(a)(4).
12. A bail agent or property bail agent shall not pay a fee or promise anything of value to a defendant or anyone on the defendant's behalf, pursuant to 18 Del.C. § 4350(a)(5).
13. A bail agent or property bail agent shall not participate as an attorney at a trial or hearing of a person on whose bond he/she is surety, except to surrender the defendant or to motion the court to set aside orders of bail forfeitures, pursuant to 18 Del.C. § 4350(a)(6).
14. No bail agent or property bail agent shall adopt or use a trade name that is similar to the trade name used by and approved for another bail bond business entity executing bail bonds for any court in the State of Delaware and as more fully described under 18 Del.C. § 2304(2) and § 2304(9).
15. Each bail agent or property bail agent shall at all times conduct himself/herself in a courteous and respectful manner when appearing before any judge, commissioner or court employee.
16. Each bail agent or property bail agent shall obey the laws of the State of Delaware and be of good moral character.
17. Each bail agent or property bail agent shall furnish the Clerk of Court copies of all business licenses issued by any governmental agency within the State of Delaware. Whenever these licenses are renewed, copies of the renewed licenses shall also be provided to the Clerk.
18. Each bail agent shall furnish the Clerk of Court with proof of a valid insurance license for the line of authority of Surety as issued by the Delaware Department of Insurance before executing bail bonds. Additionally, a bail agent shall attach a copy of the bail agent's power of attorney issued by the surety insurer to each bond, pursuant to 18 Del.C. § 4351.

19. Each bail agent or property bail agent must obtain and provide to the Clerk of Court copies of business licenses(s) for each city in which the bail agent wishes to post bond. **The City of Dover business license expires on June 30th. Those bondspersons who wish to post in Dover must provide a new license to the Court in July before they will be permitted to post bond.**
20. There will be a processing period of 3 business days following the submission of registration documents before a bail agent will be approved to begin posting.
21. Each bail agent who executes bail bonds in the Court must pay any forfeiture of bond within twenty (20) calendar days after notice and demand by the Court. A refusal or failure to pay such forfeiture shall result in the bail agent being suspended from entering into further bonds in the Court until the forfeiture is paid or it is adjudicated that the bail agent is not liable.
22. Each bail agent or property bail agent shall report to the Delaware Department of Insurance and the Court any administrative action taken against him/her in another jurisdiction or by a governmental agency in this state within 30 days of the final disposition of the matter.
23. Each bail agent or property bail agent shall report to the Delaware Department of Insurance and the Court any criminal prosecution taken in any jurisdiction within 30 days of the initial pretrial hearing.
24. Upon notice from the Court that the bail agent or property bail agent has been removed from the list of registered agents with the Court, the bail agent's license or property bail agent's license shall be immediately suspended and subject to revocation by the Delaware Department of Insurance pursuant to 18 Del.C. § 4343(e).