

PROFESSIONAL BAIL BONDSMAN PROCEDURE

The procedure is the same for each new appointment or annual renewal.

A. AFFIDAVIT

The bond agent shall file with the Clerk of the Superior Court a completed approved affidavit form, along with the statutory fee. The Clerk will provide a blank form upon request. Pursuant to Rule 7.1(f),

Arizona Rules of Criminal Procedure, the Affidavit must certify the bond agent:

1. Is a resident of this state;
2. Has sufficient financial net worth to satisfy reasonable obligations as a surety;
3. Has not been convicted of a felony;
4. Has no judgments arising out of surety undertakings outstanding against him or her;
5. Has not, within a period of two years, violated any provisions of these rules or any Court order;
6. Is currently licensed with the Arizona Department of Insurance;
7. Has filed a Power of Attorney with the Clerk.

B. POWER OF ATTORNEY

The bond agent shall file with the Clerk of the Superior Court a Power of Attorney from the corporate surety authorizing the bond agent to execute a bond in its behalf, along with the statutory fee. In some cases, a previously filed Power of Attorney may be valid since most do not have an expiration date.

C. ARIZONA DEPARTMENT OF INSURANCE

Arizona Department of Insurance (ADOI) requires that a bond agent file a Certificate of Assumed Business Name per A.R.S. § 20-318. A list compiled by ADOI is sent to the Clerk regularly. Each bond agent Affidavit will be checked against this list for compliance. If not on the list, the bonding agent must provide a copy of his certificate from ADOI.

D. FORMAL APPOINTMENT

After compliance with all of the above, the Clerk shall issue a formal appointment. No new appointment or renewal will be done during non-business hours and without checking with ADOI.

E. SURETY BOND CHECK-LIST

Before a defendant is released, the Clerk, or authorized representative, shall verify that the surety bond being posted meets all of the following requirements:

1. The standard Appearance Bond form prescribed by the Arizona Rules of Criminal Procedure must be used.
2. The bond amount set by the Court must match the amount on the Surety Bond.
3. The Power of Attorney and the surety bond must reflect the same bonding company and be properly executed.
4. The Power of Attorney must be in effect at the time the appearance bond is posted.
5. The amount of the surety bond must be within the amount of the Power of Attorney.
6. The Power Number on the Power of Attorney must match the number on the appearance bond form.

F. EXONERATION OF APPEARANCE BOND

A surety may be relieved from liability on an appearance bond if the surety surrenders the defendant into the custody of the sheriff of the county in which the prosecution is pending and the sheriff reports the surrender to the court. **(A.R.S. § 13-3974. Amended 1999)**

G. FORFEITURE OF BOND

Upon the issuance of a warrant of arrest for the failure of a defendant to appear, the County Attorney shall initiate forfeiture proceedings against the Bond agent securing defendant's release. The bond agent shall be sent copies of all minute entries entered by the Court having to do with the bond. **Such notices shall be by certified mail, return receipt requested.**

Upon the entering of a signed Judgment forfeiting a surety bond, the Clerk shall notify the bond agent by certified mail of the obligation to pay the full amount of the bond within 60 days. The time shall be extended only if the bond agent can show, in writing, that reasonable efforts have been made to make payment.

The Judgment shall be titled STATE OF ARIZONA Vs (DEFENDANT) and (BONDING AGENT) as Surety for purposes of recording said Judgments on forfeiture.

H. REVOCATION OF APPOINTMENT

If the time has not been extended to satisfy the Judgment and the 60 days has expired, the Clerk shall revoke the authority of the bond agent to post bond in Mohave County. The Clerk shall notify the bond agent in writing by certified mail of such revocation. The Clerk shall further notify all concerned parties within the county (jail, various courts, etc.,) as well as all other counties and the Arizona Department of Insurance of such revocation.

I. REINSTATEMENT

Upon satisfaction of Judgment, the Clerk shall reinstate the authority of the bond agent to post bond in Mohave County. The Clerk shall notify the bond agent in writing by certified mail of such reinstatement. The Clerk shall further notify all concerned parties within the county (jail, various courts, etc.,) as well as all other counties and the Arizona Department of Insurance of such reinstatement.