

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 23.**  
**CRIMINAL PROCEDURE.**

**CHAPTER 11.**  
**PROFESSIONAL BONDSMEN.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 11. PROFESSIONAL BONDSMEN.**

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# **CHAPTER 11. PROFESSIONAL BONDSMEN.**

## **§ 23-1101. DEFINITIONS.**

For purposes of this chapter --

(1) the term "bonding business" means the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia; and

(2) the term "bondsman" means any person or corporation engaged in the bonding business either as a principal or as an agent, clerk, or representative of another engaged in such business.

(July 29, 1970, 84 Stat. 635, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-1101.

1973 Ed., § 23-1101.

## **§ 23-1102. BONDING BUSINESS IMPRESSED WITH PUBLIC INTERESTS.**

The bonding business is impressed with a public interest.

(July 29, 1970, 84 Stat. 635, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-1102.

1973 Ed., § 23-1102.

## **§ 23-1103. PROCURING BUSINESS THROUGH OFFICIAL OR ATTORNEY FOR A CONSIDERATION PROHIBITED.**

It shall be unlawful for any bondsman, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, lend, or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, or other attachè of a criminal court, or public official of any character, for procuring or assisting in procuring any person to employ the bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia. It shall be unlawful for any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, bailiff, or other attachè of a criminal court, or public official of any character, to accept or receive from a bondsman any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring a person to employ a bondsman to execute as surety any bond for compensation in a criminal case in the District of Columbia.

(July 29, 1970, 84 Stat. 635, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-1103.

1973 Ed., § 23-1103.

## **§ 23-1104. ATTORNEYS PROCURING EMPLOYMENT THROUGH OFFICIAL OR BONDSMAN FOR A CONSIDERATION PROHIBITED.**

It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate, or contribute any money, property, entertainment, or other thing of value whatsoever to, or to split or divide any fee or commission with, any bondsman, police officer, deputy United States marshal, probation officer, bailiff, clerk, or other attachè of any criminal court for causing or procuring or assisting in causing or procuring a person to employ the attorney to represent him in a criminal case in the District of Columbia.

(July 29, 1970, 84 Stat. 635, Pub. L. 91-358, title II, § 210(a).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 23-1104.

1973 Ed., § 23-1104.

**§ 23-1105. RECEIVING OTHER THAN REGULAR FEE FOR BONDING PROHIBITED; BONDSMEN PROHIBITED FROM ENDEAVORING TO SECURE DISMISSAL OR SETTLEMENT.**

It shall be lawful to charge for executing a bond in a criminal case in the District of Columbia, but it shall be unlawful for a bondsman, either directly or indirectly, to charge, accept, or receive a sum of money, or other thing of value, other than the regular fee for bonding, from a person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information, or charge upon which the person is bailed or held in the District of Columbia. It also shall be unlawful for any bondsman to settle, or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge against any person in custody or held upon bond in the District of Columbia, with a court, or with the prosecuting attorney in a court in the District of Columbia.

(July 29, 1970, 84 Stat. 636, Pub. L. 91-358, title II, § 210(a).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 23-1105.

1973 Ed., § 23-1105.

**§ 23-1106. POSTING NAMES OF AUTHORIZED BONDSMEN; LIST TO BE FURNISHED PRISONERS; PRISONERS MAY COMMUNICATE WITH BONDSMEN; RECORD TO BE KEPT BY POLICE.**

A typewritten or printed list alphabetically arranged of all persons engaged under the authority of any of the courts of criminal jurisdiction in the District of Columbia in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, and every other place in the District of Columbia in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when a person who is detained in custody in a place of detention shall request a person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, the list shall be furnished to the person in charge of the place of detention within a reasonable time to put the person detained in communication with the bondsman selected, and the person in charge of the place of detention shall contemporaneously with that transaction make in the blotter or book of record kept in the place of detention, a record showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested, and the person by whom the bondsman was called, and preserve that as a permanent record in the book or blotter in which entered.

(July 29, 1970, 84 Stat. 636, Pub. L. 91-358, title II, § 210(a).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 23-1106.

1973 Ed., § 23-1106.

**§ 23-1107. BONDSMEN PROHIBITED FROM ENTERING PLACE OF DETENTION UNLESS REQUESTED BY PRISONER; RECORD OF VISIT TO**

## **BE KEPT.**

It shall be unlawful for a bondsman to enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia for the purpose of obtaining employment as a bondsman, without having been previously called by a person detained or by some relative or other authorized person acting for or on behalf of the person detained. Whenever a bondsman enters a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia, he shall forthwith give to the person in charge thereof his mission there and the name of the person calling him and requesting him to come to such place. That information shall be recorded by the person in charge of the place of detention and preserved as a public record, and the failure of the bondsman to give that information, or the failure of the person in charge of the place of detention to make and preserve a record of that information, shall constitute a violation of this chapter.

(July 29, 1970, 84 Stat. 636, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-1107.

1973 Ed., § 23-1107.

## **§ 23-1108. QUALIFICATIONS OF BONDSMEN; RULES TO BE PRESCRIBED BY COURTS; LIST OF AGENTS TO BE FURNISHED; RENEWAL OF AUTHORITY TO ACT; DETAILED RECORDS TO BE KEPT; PENALTIES AND DISQUALIFICATIONS.**

(a) It shall be the duty of the United States District Court for the District of Columbia and the Superior Court of the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which the business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in either court until he shall, by order of the court, be authorized to do so. The courts, in making these rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent, in the bonding business, who has ever been convicted of an offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of the courts to require every person qualifying to engage in the bonding business as principal to file with the court a list showing the name, age, and residence of each person employed by the bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of these persons stating that he will abide by the terms and provisions of this chapter. Each of the courts shall require the authority of each of those persons to be renewed from time to time at such periods as the court may by rule provide, and before the authority shall be renewed the court shall require from each of those persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this chapter, and any person swearing falsely in any of the affidavits shall be guilty of perjury.

(b) Each court shall prescribe such rules and regulations as may be necessary to insure that whenever a bondsman becomes surety for compensation upon a bond in a criminal case before the court, the bondsman shall make a record, which shall be accurate to the best of the maker's knowledge and belief and shall thereafter be open for inspection by the court or its designated representative, and by the designated representative of other law enforcement agencies of the District of Columbia, of the following matters:

- (1) the full name and address of the person for whom the bond is executed (referred to in this subsection as the "defendant") and the full name and address of his employer, if any;
- (2) the offense with which the defendant is charged;
- (3) the name of the court or officer authorizing the defendant's admission to bail;
- (4) the amount of the bond;
- (5) the name of the person who called the bondsman, if other than the defendant;
- (6) the amount of the bondsman's charge for executing the bond;
- (7) the full name and address of the person to whom the bondsman presented his bill for the charge;
- (8) the full name and address of the person paying the charge; and
- (9) the manner of payment of the charge.

Whoever violates any rule or regulation prescribed under this subsection shall be fined not more than \$500 or imprisoned not more than six months, or both, and if he is a bondsman shall be disqualified from thereafter engaging in any manner in the bonding business for such period of time as the trial judge shall order.

(July 29, 1970, 84 Stat. 637, Pub. L. 91-358, title II, § 210(a).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 23-1108.

1973 Ed., § 23-1108.

**§ 23-1109. GIVING ADVANCE INFORMATION OF PROPOSED RAID PROHIBITED.**

It shall be unlawful for any police officer or other public official, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant of arrest, to give or furnish, either directly or indirectly, any information concerning the proposed raid or arrest to any person engaged in any manner in the bonding business, or to any attorney at law; but it shall not be unlawful for any police or other peace officer, in conducting any raid or in executing any search warrant or warrant of arrest, to communicate to any attorney at law or person engaged in the bonding business, any fact necessary to enable the officer to obtain from the attorney at law or person engaged in the bonding business information necessary to enable the officer to carry out the raid or execute the process.

(July 29, 1970, 84 Stat. 638, Pub. L. 91-358, title II, § 210(a).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 23-1109.

1973 Ed., § 23-1109.

**§ 23-1110. DESIGNATION OF OFFICIAL TO TAKE BAIL OR COLLATERAL WHEN COURT IS NOT IN SESSION; ISSUANCE OF CITATIONS.**

(a) The judges of the Superior Court of the District of Columbia shall have the authority to appoint some official of the Metropolitan Police Department to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for these services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock postmeridian and 9 o'clock antemeridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

(b)(1) An officer or member of the Metropolitan Police Department who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the Metropolitan Police Department designated under subsection (a) of this section to act as a clerk of the Superior Court.

(2) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the Metropolitan Police Department designated under subsection (a) of this section to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

(3) No citation may be issued under paragraph (1) or (2) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

(4) Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than 180 days, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

(July 29, 1970, 84 Stat. 638, Pub. L. 91-358, title II, § 210(a); Aug. 20, 1994, D.C. Law 10-151, § 101(a), 41 DCR 2608.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-1110.

1973 Ed., § 23-1110.

##### *Emergency Act Amendments*

For temporary amendment of section, see § 101(a) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

##### *Legislative History of Laws*

Law 10-151, the "Omnibus Criminal Justice Reform Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-98, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 29, 1994, and April 12, 1994, respectively. Signed by the Mayor on May 4, 1994, it was assigned Act No. 10-238 and transmitted to both Houses of Congress for its review. D.C. Law 10-151 became effective on August 20, 1994.

##### *Miscellaneous Notes*

Capitol Police Citation Release: For designation of a member of the Capitol Police to have responsibility for citation release, and to take bail, collateral, or bond in the same manner as an official of the Metropolitan Police Department of the District of Columbia under this section, see § 108 of Pub. L. 104-186, 110 Stat. 1719.

### **§ 23-1111. PENALTIES.**

Any person violating any provision of this chapter shall be fined not less than \$50 nor more than \$100, or imprisoned for not less than ten nor more than sixty days, or both, where no other penalty is provided by this chapter; and if the person so convicted is (1) a police officer or other public official, he shall upon recommendation of the trial judge also be forthwith dismissed from office, (2) a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business for such a period of time as the trial judge shall order, or (3) an attorney at law, he shall be subject to suspension or disbarment as attorney at law.

(July 29, 1970, 84 Stat. 639, Pub. L. 91-358, title II, § 210(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-1111.

1973 Ed., § 23-1111.

### **§ 23-1112. ENFORCEMENT.**

It shall be the duty of the Superior Court and of the United States District Court for the District of Columbia to see that this chapter is enforced, and upon the impaneling of each grand jury in the District of Columbia it shall be the duty of the judge impaneling such jury to charge it to investigate the manner in which this chapter is enforced and all violations thereof in connection with the matter under investigation by such jury.

(July 29, 1970, 84 Stat. 639, Pub. L. 91-358, title II, § 210(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-1112.

1973 Ed., § 23-1112.