

Criminal Surety Bonds by Bondsman - Attorney Instructions

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Background

A judicial officer will set the amount of the criminal bond as well as any level of security.

Example: Cash deposit, property of sufficient value, surety with property of sufficient value, or bondsman.

A bondsman executing a criminal bond is either a:

- Professional Bondsman, or
- Surety Bondsman

Professional Bondsman

A Professional Bondsman puts up his personal money as surety to post bond for a criminal defendant and must meet all of the following criteria:

- Be a resident of the state of South Carolina,
- File a copy of paper license with the county clerk of court for the county in which the federal bond will be posted,
- Deposit a specific amount of money with the county clerk of court from which only half can be used to secure the bond per defendant in federal court, up to four defendants at one time.

Surety Bondsman

A Surety Bondsman serves as an agent with an insurance company to underwrite a bail bond for a criminal defendant and must:

- Have a valid Power of Attorney for an insurance company on the [Department of Treasury's Approved List](#) on file with the Court. See [Power of Attorney](#)
- File a copy of his paper license with the county clerk of court in the county where the federal bond will be posted.
- Be registered with the [S.C. Department of Insurance](#).

Power of Attorney

A valid Power of Attorney must be on file with the court before a Surety Bondsman can execute a bond for a specific insurance company.

The Power of Attorney form must bear:

- Surety Bondsman's name,
- Signature of an officer of the insurance company or the attorney-in-fact or both,
- Seal of the insurance company,
- Dollar amount which can be written, and
- Name and seal of a Notary Public.

If a valid Power of Attorney is not on file with the court, file the Power of Attorney form into the court's Civil Shell Case via CM/ECF and pay the miscellaneous filing fee.

Department of Treasury's Approved List

The insurance company must be on the Department of Treasury's Approved List to execute bonds in the U.S. District Court. To verify that the insurance company is on the list follow these steps:

STEP	ACTION
1	Access the Department of Treasury's Approved List through the external website at →Attorney→Sureties-Treasury Listing.
2	Click the header for "Certified Companies" located in the middle of the page under Surety Bonds. Once the pointer for Certified Companies is engaged, an

STEP	ACTION
	alphabetical index will appear at the bottom of the screen. The index shortens the search.
3	<p>Review the list thoroughly.</p> <p><u>Note:</u> All companies are listed under the correct alphabetical letter, but may not be in alphabetical order under the letter.</p> <p>Once the insurance company is located, SC must appear in the list for the insurance company to conduct business in our State.</p> <p><u>Warning:</u> If SC does not appear on the list, the bond cannot approved.</p>

S.C. Department of Insurance

To verify the status of a Surety Bondsman with the S.C. Department of Insurance follow these steps:

STEP	ACTION
1	Access the S.C. Department of Insurance website www.doi.sc.gov . -> Search SCDOI Database -> Search Individuals.
2	<p>Verify that the Surety Bondsman has an active license by searching by name.</p> <ul style="list-style-type: none"> • Type of license under the License Information section must indicate Surety Bondsman. <p><u>Warning:</u> If the license is not Active, the individual cannot underwrite a criminal surety bond.</p>
3	Click the word "Surety Bondsman" under the License Information section of the screen to show a list of insurance companies.

STEP	ACTION
4	<p>Verify that the insurance company on the Power of Attorney for the Bond is listed for the Surety Bondsman.</p> <p><u>Warning:</u> If the insurance company is not listed on the S.C. Insurance Department website the bond cannot be approved.</p>
5	<p>Click the “Surety” Appointment Type for the insurance company to verify that the Surety Bondsman has passed the bondsman’s exam.</p> <p><u>Warning:</u> If the individual has not passed the exam, then the individual cannot underwrite a criminal surety bond.</p>

Revision Control Log

Date	Comments	By