**COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**

**RULES OF CONDUCT FOR BAIL AGENTS AND PROPERTY BAIL AGENTS**

1. Each corporate surety company, business entity, bail agent or property bail agent (“bail agent”), and designated bail agent shall submit to the Court a completed Court of Common Pleas registration form along with the required attachments on an annual basis.
2. A person may not act in the capacity as a 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.
3. No individual, corporation, or other entity, or their agents or officers, shall engage in the business of acting as surety on any bail bond submitted to the Court unless such individual, corporation or other entity, and their agents, employees or officers, have been approved by the Chief Judge. Such approval may be granted, denied or revoked by the Chief Judge, in his/her discretion, for such cause as he/she deems appropriate. 18 Del.C. § 4345.
4. A bail agent's license that is otherwise in good standing with the Delaware Department of Insurance shall be immediately suspended and be subject to revocation by the Department upon notice from a court that the bail agent has been removed from the list of approved bail agents by this court or any other court. 18 Del.C*.* § 4343(e).

1. Each bail bond agent may be concurrently employed or licensed by a surety bail bond agent, and property bail agent or bail bond business entities. A bail bond agent shall not concurrently be employed or licensed by two (2) surety bail bond agents, or two (2) property bail bond agents or bail bond agent business entities. 18 *Del. C*. § 4344(a).
2. The designated bail agent is responsible for the acts or omissions of bail agents employed under the designated bail agent's authority only insofar as the bail agent is acting within the scope of that bail agent's employment or authority. 18 Del.C*.* § 4344(b).
3. A bail agent shall maintain his/her office with that of a designated bail agent by whom he or she is employed. 18 Del.C*.* § 4344(c).
4. The bail agent's license must remain in the custody of the designated bail agent by whom he or she is employed. Upon termination of such employment as a bail agent, the designated bail agent shall give written notice of the reasons thereof to the Delaware Department of Insurance. 18 Del.C*.* § 4344(d).
5. Every bail agent shall have and maintain in this State a principal place of business accessible to the public, and identified by a sign clearly visible to the public. A bail agent may conduct business from a residence in this State, provided that it meets all other requirements. 18 Del. C. § 4346(a)
6. A bail agent is prohibited from suggesting or advising the name of any particular attorney to represent the defendant. 18 Del.C*.* § 4350(a)(1).
7. A bail agent shall not solicit business in or about any place where prisoners are confined or in or about any court. 18 Del.C*.* § 4350(a)(2).
8. No corporate surety, bail agent business entity, bail agent, designated bail agent or employee of a corporate surety or of a bail agent business entity may pay a fee or rebate or give or promise anything of value to any court employee in order to secure a bail bond or to attempt to secure or facilitate a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof. 18 Del.C*.* § 4350(a)(3).
9. A bail agent shall not pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services actually rendered. 18 Del.C*.* § 4350(a)(4).
10. A bail agent shall not pay a fee or rebate or give or promise anything of value to the defendant or anyone on the defendant's behalf. 18 Del.C*.* § 4350(a)(5).
11. A bail agent shall not participate in the capacity of an attorney at a trial or hearing of a person on whose bond that bail agent is surety, except for the purposes of surrendering the defendant, making motions to set aside orders of bail forfeitures and motions to exonerate bails and protecting that bail agent's financial interest in such a bond. 18 Del.C*.* § 4350(a)(6).
12. A surety bail agent shall justify that bail agent’s suretyship by furnishing the Court with a duly authenticated power of attorney issued to that surety bail agent by the surety insurer to each bond. 18 Del.C*.* § 4351.
13. No corporate surety shall adopt or use a trade name that is similar to the trade name used and registered by another corporate surety executing bail bonds for any court in the State of Delaware. *See* 6 Del.C. §§ 3101 and 3104, and 18 Del.C*.* §2304(2)(9).
14. Each bail agent shall at all times conduct himself/herself in a courteous and respectful manner when appearing before any judge, commissioner or court employee.
15. Each bail agent shall obey the laws of the State of Delaware and be of good moral character.
16. Each bail agent shall furnish the Court copies of all business licenses issued by any governmental agency within the State of Delaware. Whenever these licenses are renewed or updated, copies of such licenses shall also be provided to the Court within ten (10) days of such renewal or updating.
17. Each bail agent shall obtain and provide to the Court copies of business licenses(s) for each municipality 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 by July 1st of each year before they will be permitted to continue to post bond.**
18. Upon entry of a Judge’s Order of Forfeiture, the amount forfeited and due to the Court shall be payable within twenty (20) calendar days after notice and demand by the Court. If the surety fails to pay the full forfeiture amount within twenty (20) calendar days from the date of the Court’s Order, the surety will be removed from the Court’s Bail Registry and its bail agents, business entity, and designated bail agents authorized to transact its bail bond business in the Court will have no further authority to act for it, and their names, as acting for the insurer, will be removed from the Bail Registry. In addition, the surety shall be suspended from entering into further bonds in the Court until the forfeiture is paid or it is adjudicated that the surety is not liable.
19. Each bail agent shall notify the Court of any change in the information provided in the bail bond registration packet within ten (10) days of such change, including but not limited to a change of corporate surety company, physical location of place of business, days and hours that office is open, mailing address and employees.

24. Within ten (10) business days of the date a bail agent's employment or representation of a corporate surety is terminated, both the corporate surety and the bail agent, or the designated bail agent having been terminated, have the responsibility to notify the Court, in writing, of such termination.

25. Each bail agent and the agent's managing general agent or surety insurer, shall report to the Department of Insurance and the Court Administrator any administrative action taken against the bail agent in another jurisdiction or by another governmental agency in this State within thirty (30) days of the final disposition of the matter. 18 Del.C. § 4352(a)

26. Each bail agent shall notify the Delaware Department of Insurance and the Court Administrator of any criminal prosecution taken in any jurisdiction within ten (10) days of the arrest. 18 Del.C. § 4352(b)

27. Each bail agent who has been charged with, arrested for, pleaded guilty or nolo contendere to, or been found guilty of, a felony or a crime which includes an element of dishonesty or fraud or involves moral turpitude, or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country must notify the Delaware Department of Insurance and the Court Administrator in writing within (1) business day of such occurrence. Failure to do so will result in the suspension of the bail agent’s posting privileges with the Court. 18 Del.C. § 4352(b) & 18 Del.C. § 4354(b)

28. There will be a minimum processing period of three (3) business days following the submission of registration documents before a bail agent will be approved to post bond.

29. Failure of a bail agent, designated bail agent, bail entity, or surety to comply with the Court of Common Pleas Rules of Conduct for Bail Agent may result in the imposition of a sanction of the bail agent, designated bail agent, bail entity, or surety by the Court. The sanction may take the form of the imposition of a fine, or a suspension, or both, in the Court’s discretion. 18 Del. C. § 4345