

As Introduced

136th General Assembly

Regular Session

H. B. No. 703

2025-2026

Representative Williams

To amend sections 2713.21, 2937.22, 2937.24, and
3905.85 of the Revised Code to permit the
surrender of a defendant by a surety bail bond
agent and to require surety bail bond agents to
be licensed property and casualty insurance
agents.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2713.21, 2937.22, 2937.24, and
3905.85 of the Revised Code be amended to read as follows:

Sec. 2713.21. A (A) (1) Except as provided in division (A)
(2) of this section, a surrender of a defendant to the sheriff
of the county in which he the defendant was arrested, with a
delivery of a certified copy of the bond of the bail, whether
such surrender is made by the defendant himself personally or by
his the defendant or another person posting the defendant's bail,
discharges the bail.

(2) A surrender of a defendant by a surety bail bond agent
to any sheriff, with delivery of a certified copy of the bond of
bail and a copy of the surety bail bond application signed by
the defendant, discharges the bail.

(B) (1) A surrender may be made before the return day of

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the summons in an action against the ~~bail~~defendant. The sheriff
shall give to the person posting bail a written acknowledgment
of the surrender, and hold the defendant in ~~his~~ custody upon
such copy of the bond of the bail as upon an order of arrest.
The clerk of the court, on the production to ~~him~~ the clerk of
the sheriff's acknowledgment of the surrender, shall enter on
the bond an exoneration of the bail.

(2) If the surrender of the defendant is by a surety bail
bond agent, the surety bail bond agent shall file a motion with
the court that issued the bond that the surety bail bond agent
be released from the bond not later than forty-eight hours after
the defendant surrendered, and shall include with the motion a
copy of the surety bail bond application signed by the
defendant.

Sec. 2937.22. (A) Bail is security for the appearance of
an accused to appear and answer to a specific criminal or quasi-
criminal charge in any court or before any magistrate at a
specific time or at any time to which a case may be continued,
and not depart without leave. It may take any of the following
forms:

(1) The deposit of cash by the accused or by some other
person for the accused;

(2) The deposit by the accused or by some other person for
the accused in form of bonds of the United States, this state,
or any political subdivision thereof in a face amount equal to
the sum set by the court or magistrate. In case of bonds not
negotiable by delivery such bonds shall be properly endorsed for
transfer.

(3) The written undertaking by one or more persons to

forfeit the sum of money set by the court or magistrate, if the
accused is in default for appearance, which shall be known as a
recognizance.

(4) A surety pursuant to section 2937.24 of the Revised
Code or pursuant to a surety bail bond agreement with a surety
bail bond agent appointed under sections 3905.83 to 3905.95 of
the Revised Code.

(B) Whenever a person is charged with any offense other
than a traffic offense that is not a moving violation and posts
bail, the person shall pay a surcharge of twenty-five dollars.
The clerk of the court shall retain the twenty-five dollars
until the person is convicted, pleads guilty, forfeits bail, is
found not guilty, or has the charges dismissed. If the person is
convicted, pleads guilty, or forfeits bail, the clerk shall
transmit the twenty-five dollars on or before the twentieth day
of the month following the month in which the person was
convicted, pleaded guilty, or forfeited bail to the treasurer of
state, and the treasurer of state shall deposit it into the
indigent defense support fund created under section 120.08 of
the Revised Code. If the person is found not guilty or the
charges are dismissed, the clerk shall return the twenty-five
dollars to the person.

(C) All bail shall be received by the clerk of the court,
deputy clerk of court, or by the magistrate, or by a special
referee appointed by the supreme court pursuant to section
2937.46 of the Revised Code, and, except in cases of
recognizances, receipt shall be given therefor.

(D) As used in this section, "moving violation" has the
same meaning as in section 2743.70 of the Revised Code.

Sec. 2937.24. (A) When a recognizance is offered under section 2937.22 of the Revised Code, the surety on which recognizance qualifies as a real property owner, the judge or magistrate shall require such surety to pledge to this state real property owned by the surety and located in this state. Whenever such pledge of real property has been given by any such proposed surety, ~~he~~the proposed surety shall execute the usual form of recognizance, and in addition thereto there shall be filed ~~his~~an affidavit of justification of suretyship, to be attached to said recognizance as a part thereof. The surety may be required in such affidavit to depose as to whether ~~he~~the surety is, at the time of executing the same, surety upon any other recognizance and as to whether there are any unsatisfied judgments or executions against ~~him~~the surety. ~~He~~The surety may also be required to state any other fact which the court thinks relevant and material to a correct determination of the surety's sufficiency to act as bail. Such surety shall state in such affidavit where notices under section 2937.38 of the Revised Code may be served on ~~himself~~the surety, and service of notice of summons at such place is sufficient service for all purposes.

Such affidavit shall be executed by the proposed surety under an oath and may be in the following form:

"State of Ohio, County of _____, ss:
_____, residing at _____, who offers ~~himself~~himself as surety for _____ being first duly sworn, says that ~~he~~the surety owns in ~~his~~the surety's own legal right, real property subject to execution, located in the county of _____, State of Ohio, consisting of _____ and described as follows to wit: _____; that the title to the same is in ~~his~~the surety's own name; that the value of the same

is not less than _____ dollars, and is subject to no
encumbrances whatever except _____; that ~~he~~the surety is
not surety upon any unpaid or forfeited recognizance, and that
~~he~~the surety is not party to any unsatisfied judgment upon any
recognizance; that ~~he~~the surety is worth not less than
_____ dollars over and above all debts, liabilities, and
lawful claims against ~~him~~the surety, and all liens,
encumbrances, and lawful claims against ~~his~~the surety's
property."

(B) A surrender of a defendant by a surety to any sheriff,
with delivery of a certified copy of the affidavit and the bond
of bail discharges the bail. The surety shall file a motion with
the court that issued the bond that the surety be released from
the bond not later than forty-eight hours after the defendant
surrendered.

(C) A surrender of a defendant by a surety bail bond agent
appointed under sections 3905.83 to 3905.95 of the Revised Code
to any sheriff, with delivery of a certified copy of the bond of
bail and a copy of the surety bail bond application signed by
the defendant, discharges the bail. The surety bail bond agent
shall file a motion with the court that issued the bond that the
surety bail bond agent be released from the bond not later than
forty-eight hours after the defendant surrendered and shall
include with the motion a copy of the surety bail bond
application signed by the defendant.

Sec. 3905.85. (A) (1) An individual who applies for a
license as a surety bail bond agent shall submit an application
for the license in a manner prescribed by the superintendent of
insurance. The application shall be accompanied by a one-
hundred-fifty-dollar fee and a statement that gives the

applicant's name, age, residence, present occupation, occupation	139
for the five years next preceding the date of the application,	140
and such other information as the superintendent may require.	141
(2) An applicant for an individual resident license shall	142
also submit to a criminal records check pursuant to section	143
3905.051 of the Revised Code.	144
(B) (1) The superintendent shall issue to an applicant an	145
individual resident license that states in substance that the	146
person is authorized to do the business of a surety bail bond	147
agent, if the superintendent is satisfied that all of the	148
following apply:	149
(a) The applicant is eighteen years of age or older.	150
(b) The applicant's home state is Ohio.	151
(c) The applicant has not committed any act that is	152
grounds for the refusal to issue, suspension of, or revocation	153
of a license under section 3905.14 of the Revised Code.	154
(d) The applicant is a United States citizen or has	155
provided proof of having legal authorization to work in the	156
United States.	157
(e) The applicant has successfully completed the	158
educational requirements set forth in section 3905.04 of the	159
Revised Code and passed the examination required by that	160
section.	161
(f) <u>Beginning on the first day of the second year that</u>	162
<u>begins after the effective date of this amendment, the applicant</u>	163
<u>holds, in good standing, an insurance agent license that</u>	164
<u>authorizes the applicant to sell, solicit, or negotiate lines of</u>	165
<u>property and casualty insurance in this state under section</u>	166

3905.06 of the Revised Code.

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(2) The superintendent shall issue to an applicant an
individual nonresident license that states in substance that the
person is authorized to do the business of a surety bail bond
agent, if the superintendent is satisfied that all of the
following apply:

(a) The applicant is eighteen years of age or older.

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(b) The applicant is currently licensed as a resident in
another state and is in good standing in the applicant's home
state for surety bail bond or is qualified for the same
authority.

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(c) The applicant has not committed any act that is
grounds for the refusal to issue, suspension of, or revocation
of a license under section 3905.14 of the Revised Code.

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(d) Beginning on the first day of the second year that
begins after the effective date of this amendment, the applicant
holds, in good standing, either a license that authorizes the
applicant to sell, solicit, or negotiate lines of property and
casualty insurance in this state under section 3905.06 of the
Revised Code, or a substantially equivalent license in another
state.

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(3) The superintendent shall issue an applicant a resident
business entity license that states in substance that the person
is authorized to do the business of a surety bail bond agent if
the superintendent is satisfied that all of the following apply:

(a) The applicant has submitted an application for the
license in a manner prescribed by the superintendent and the
one-hundred-fifty-dollar application fee.

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(b) The applicant either is domiciled in this state or	195
maintains its principal place of business in this state.	196
(c) The applicant has designated an individual licensed	197
surety bail bond agent who will be responsible for the	198
applicant's compliance with the insurance laws of this state.	199
(d) The applicant has not committed any act that is	200
grounds for the refusal to issue, suspension of, or revocation	201
of a license under section 3905.14 of the Revised Code.	202
(e) The applicant is authorized to do business in this	203
state by the secretary of state if so required under the	204
applicable provisions of Title XVII of the Revised Code.	205
(f) The applicant has submitted any other documents	206
requested by the superintendent.	207
(4) The superintendent shall issue an applicant a	208
nonresident business entity license that states in substance	209
that the person is authorized to do the business of a surety	210
bail bond agent if the superintendent is satisfied that all of	211
the following apply:	212
(a) The applicant has submitted an application for the	213
license in a manner prescribed by the superintendent and the	214
one-hundred-fifty-dollar application fee.	215
(b) The applicant is currently licensed and is in good	216
standing in the applicant's home state with surety bail bond	217
authority.	218
(c) The applicant has designated an individual licensed	219
surety bail bond agent who will be responsible for the	220
applicant's compliance with the insurance laws of this state.	221
(d) The applicant has not committed any act that is	222

grounds for the refusal to issue, suspension of, or revocation of a license under section 3905.14 of the Revised Code.	223 224
(e) The applicant has submitted any other documents requested by the superintendent.	225 226
(C) A resident and nonresident surety bail bond agent license issued pursuant to this section authorizes the holder, when appointed by an insurer, to execute or countersign bail bonds in connection with judicial proceedings and to receive money or other things of value for those services. However, the holder shall not execute or deliver a bond during the first one hundred eighty days after the license is initially issued. This restriction does not apply with respect to license renewals or any license issued under divisions (B) (3) and (4) of this section.	227 228 229 230 231 232 233 234 235 236
(D) The superintendent may refuse to renew a surety bail bond agent's license as provided in division (B) of section 3905.88 of the Revised Code, and may suspend, revoke, or refuse to issue or renew such a license as provided in section 3905.14 of the Revised Code.	237 238 239 240 241
If the superintendent refuses to issue such a license based in whole or in part upon the written response to a criminal records check completed pursuant to division (A) of this section, the superintendent shall send a copy of the response that was transmitted to the superintendent to the applicant at the applicant's home address upon the applicant's submission of a written request to the superintendent.	242 243 244 245 246 247 248
(E) Any person licensed as a surety bail bond agent may surrender the person's license in accordance with section 3905.16 of the Revised Code.	249 250 251

(F) (1) A person seeking to renew a surety bail bond agent license shall apply annually for a renewal of the license on or before the first day of April. Applications shall be submitted to the superintendent on forms prescribed by the superintendent. Each application shall be accompanied by a one-hundred-fifty-dollar renewal fee. 252
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(2) To be eligible for renewal, an individual applicant shall ~~complete~~do both of the following: 258
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(a) Complete the continuing education requirements pursuant to section 3905.88 of the Revised Code prior to the renewal date; 260
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(b) Beginning on the first day of the third year that begins after the effective date of this amendment, demonstrate that the individual applicant holds, in good standing, either a license that authorizes the individual applicant to sell, solicit, or negotiate lines of property and casualty insurance in this state under section 3905.06 of the Revised Code, or a substantially equivalent license in another state. 263
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(3) If an applicant submits a completed renewal application, qualifies for renewal pursuant to divisions (F) (1) and (2) of this section, and has not committed any act that is a ground for the refusal to issue, suspension of, or revocation of a license under section 3905.14 or sections 3905.83 to 3905.99 of the Revised Code, the superintendent shall renew the applicant's surety bail bond insurance agent license. 270
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(4) If an individual or business entity does not apply for the renewal of the individual or business entity's license on or before the license renewal date specified in division (F) (1) of this section, the individual or business entity may submit a 277
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late renewal application along with all applicable fees required
under this chapter prior to the first day of May following the
renewal date. The superintendent shall renew the license of an
applicant that submits a late renewal application if the
applicant satisfies all of the following conditions:

(a) The applicant submits a completed renewal application.

(b) The applicant pays the one-hundred-fifty-dollar
renewal fee.

(c) The applicant pays the late renewal fee established by
the superintendent.

(d) The applicant provides proof of compliance with the
continuing education requirements pursuant to section 3905.88 of
the Revised Code.

(e) The applicant provides proof that the requirements of
division (F) (2) of this section have been met, if applicable.

(f) The applicant has not committed any act that is
grounds for the refusal to issue, suspension of, or revocation
of a license under section 3905.14 or sections 3905.83 to
3905.99 of the Revised Code.

(5) A license issued under this section that is not
renewed on or before its late renewal date specified in division
(F) (4) of this section is automatically suspended for nonrenewal
effective the second day of May.

(6) If a license is suspended for nonrenewal pursuant to
division (F) (5) of this section, the individual or business
entity is eligible to apply for reinstatement of the license
within the twelve-month period following the date by which the
license should have been renewed by complying with the

reinstatement procedure established by the superintendent and 309
paying all applicable fees required under this chapter. 310

(7) A license that is suspended for nonrenewal that is not 311
reinstated pursuant to division (F)(6) of this section 312
automatically is canceled unless the superintendent is 313
investigating any allegations of wrongdoing by the agent or has 314
initiated proceedings under Chapter 119. of the Revised Code. In 315
that case, the license automatically is canceled after the 316
completion of the investigation or proceedings unless the 317
superintendent revokes the license. 318

(G) The superintendent may prescribe the forms to be used 319
as evidence of the issuance of a license under this section. The 320
superintendent shall require each licensee to acquire, from a 321
source designated by the superintendent, a wallet identification 322
card that includes the licensee's photograph and any other 323
information required by the superintendent. The licensee shall 324
keep the wallet identification card on the licensee's person 325
while engaging in the bail bond business. 326

(H) (1) The superintendent of insurance shall not issue or 327
renew the license of a business entity organized under the laws 328
of this or any other state unless the business entity is 329
qualified to do business in this state under the applicable 330
provisions of Title XVII of the Revised Code. 331

(2) The failure of a business entity to be in good 332
standing with the secretary of state or to maintain a valid 333
appointment of statutory agent is grounds for suspending, 334
revoking, or refusing to renew its license. 335

(3) By applying for a surety bail bond agent license under 336
this section, an individual or business entity consents to the 337

jurisdiction of the courts of this state.	338
(I) A surety bail bond agent licensed pursuant to this section is an officer of the court.	339
(J) Any fee collected under this section shall be paid into the state treasury to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code.	341
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Section 2. That existing sections 2713.21, 2937.22, 2937.24, and 3905.85 of the Revised Code are hereby repealed.	345
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Section 3. Section 3905.85 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 263 and H.B. 339 of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.	347
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