

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 703

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.

1
2
3
4
5
6

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:

7
8

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.

9
10
11
12
13
14
15

(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.

16
17
18
19

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

20

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 79
section 2937.22 of the Revised Code, the surety on which 80
recognizance qualifies as a real property owner, the judge or 81
magistrate shall require such surety to pledge to this state 82
real property owned by the surety and located in this state. 83
Whenever such pledge of real property has been given by any such 84
proposed surety, ~~he~~the proposed surety shall execute the usual 85
form of recognizance, and in addition thereto there shall be 86
filed ~~his~~an affidavit of justification of suretyship, to be 87
attached to said recognizance as a part thereof. The surety may 88
be required in such affidavit to depose as to whether ~~he~~the 89
surety is, at the time of executing the same, surety upon any 90
other recognizance and as to whether there are any unsatisfied 91
judgments or executions against ~~him~~the surety. ~~He~~The surety may 92
also be required to state any other fact which the court thinks 93
relevant and material to a correct determination of the surety's 94
sufficiency to act as bail. Such surety shall state in such 95
affidavit where notices under section 2937.38 of the Revised 96
Code may be served on ~~himself~~the surety, and service of notice 97
of summons at such place is sufficient service for all purposes. 98

Such affidavit shall be executed by the proposed surety 99
under an oath and may be in the following form: 100

"State of Ohio, County of _____, ss: 101
_____ residing at _____, who offers 102
~~himself~~self as surety for _____ being first duly sworn, 103
says that ~~he~~the surety owns in ~~his~~the surety's own legal right, 104
real property subject to execution, located in the county of 105
_____, State of Ohio, consisting of _____ and 106
described as follows to wit: _____; that the title to the 107
same is in ~~his~~the surety's own name; that the value of the same 108

is not less than _____ dollars, and is subject to no 109
encumbrances whatever except _____; that ~~he~~the surety is 110
not surety upon any unpaid or forfeited recognizance, and that 111
~~he~~the surety is not party to any unsatisfied judgment upon any 112
recognizance; that ~~he~~the surety is worth not less than 113
_____ dollars over and above all debts, liabilities, and 114
lawful claims against ~~him~~the surety, and all liens, 115
encumbrances, and lawful claims against ~~his~~the surety's 116
property." 117

(B) A surrender of a defendant by a surety to any sheriff, 118
with delivery of a certified copy of the affidavit and the bond 119
of bail discharges the bail. The surety shall file a motion with 120
the court that issued the bond that the surety be released from 121
the bond not later than forty-eight hours after the defendant 122
surrendered. 123

(C) A surrender of a defendant by a surety bail bond agent 124
appointed under sections 3905.83 to 3905.95 of the Revised Code 125
to any sheriff, with delivery of a certified copy of the bond of 126
bail and a copy of the surety bail bond application signed by 127
the defendant, discharges the bail. The surety bail bond agent 128
shall file a motion with the court that issued the bond that the 129
surety bail bond agent be released from the bond not later than 130
forty-eight hours after the defendant surrendered and shall 131
include with the motion a copy of the surety bail bond 132
application signed by the defendant. 133

Sec. 3905.85. (A) (1) An individual who applies for a 134
license as a surety bail bond agent shall submit an application 135
for the license in a manner prescribed by the superintendent of 136
insurance. The application shall be accompanied by a one- 137
hundred-fifty-dollar fee and a statement that gives the 138

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) Beginning on the first day of the second year that 162
begins after the effective date of this amendment, the applicant 163
holds, in good standing, an insurance agent license that 164
authorizes the applicant to sell, solicit, or negotiate lines of 165
property and casualty insurance in this state under section 166

<u>3905.06 of the Revised Code.</u>	167
(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:	168 169 170 171 172
(a) The applicant is eighteen years of age or older.	173
(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.	174 175 176 177
(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.	178 179 180
<u>(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.</u>	181 182 183 184 185 186 187
(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:	188 189 190 191
(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.	192 193 194

(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 223
of a license under section 3905.14 of the Revised Code. 224

(e) The applicant has submitted any other documents 225
requested by the superintendent. 226

(C) A resident and nonresident surety bail bond agent 227
license issued pursuant to this section authorizes the holder, 228
when appointed by an insurer, to execute or countersign bail 229
bonds in connection with judicial proceedings and to receive 230
money or other things of value for those services. However, the 231
holder shall not execute or deliver a bond during the first one 232
hundred eighty days after the license is initially issued. This 233
restriction does not apply with respect to license renewals or 234
any license issued under divisions (B) (3) and (4) of this 235
section. 236

(D) The superintendent may refuse to renew a surety bail 237
bond agent's license as provided in division (B) of section 238
3905.88 of the Revised Code, and may suspend, revoke, or refuse 239
to issue or renew such a license as provided in section 3905.14 240
of the Revised Code. 241

If the superintendent refuses to issue such a license 242
based in whole or in part upon the written response to a 243
criminal records check completed pursuant to division (A) of 244
this section, the superintendent shall send a copy of the 245
response that was transmitted to the superintendent to the 246
applicant at the applicant's home address upon the applicant's 247
submission of a written request to the superintendent. 248

(E) Any person licensed as a surety bail bond agent may 249
surrender the person's license in accordance with section 250
3905.16 of the Revised Code. 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.

(2) To be eligible for renewal, an individual applicant shall ~~complete~~ do both of the following:

(a) Complete the continuing education requirements pursuant to section 3905.88 of the Revised Code prior to the renewal date;

(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.

(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.

(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

late renewal application along with all applicable fees required 281
under this chapter prior to the first day of May following the 282
renewal date. The superintendent shall renew the license of an 283
applicant that submits a late renewal application if the 284
applicant satisfies all of the following conditions: 285

(a) The applicant submits a completed renewal application. 286

(b) The applicant pays the one-hundred-fifty-dollar 287
renewal fee. 288

(c) The applicant pays the late renewal fee established by 289
the superintendent. 290

(d) The applicant provides proof of compliance with the 291
continuing education requirements pursuant to section 3905.88 of 292
the Revised Code. 293

(e) The applicant provides proof that the requirements of 294
division (F)(2) of this section have been met, if applicable. 295

(f) The applicant has not committed any act that is 296
grounds for the refusal to issue, suspension of, or revocation 297
of a license under section 3905.14 or sections 3905.83 to 298
3905.99 of the Revised Code. 299

(5) A license issued under this section that is not 300
renewed on or before its late renewal date specified in division 301
(F)(4) of this section is automatically suspended for nonrenewal 302
effective the second day of May. 303

(6) If a license is suspended for nonrenewal pursuant to 304
division (F)(5) of this section, the individual or business 305
entity is eligible to apply for reinstatement of the license 306
within the twelve-month period following the date by which the 307
license should have been renewed by complying with the 308

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 339
section is an officer of the court. 340

(J) Any fee collected under this section shall be paid 341
into the state treasury to the credit of the department of 342
insurance operating fund created by section 3901.021 of the 343
Revised Code. 344

Section 2. That existing sections 2713.21, 2937.22, 345
2937.24, and 3905.85 of the Revised Code are hereby repealed. 346

Section 3. Section 3905.85 of the Revised Code is 347
presented in this act as a composite of the section as amended 348
by both H.B. 263 and H.B. 339 of the 133rd General Assembly. The 349
General Assembly, applying the principle stated in division (B) 350
of section 1.52 of the Revised Code that amendments are to be 351
harmonized if reasonably capable of simultaneous operation, 352
finds that the composite is the resulting version of the section 353
in effect prior to the effective date of the section as 354
presented in this act. 355