

Charitable Bail Organizations

The Act amends state insurance law to allow the officials to issue certificates to a charitable bail organization to deposit money as bail under certain circumstances for individuals who cannot afford to do so themselves.

Submitted as:

New York

[SB 7752](#)

Status: Enacted into law in 2012.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [*Short Title.*] This Act may be cited as the “Charitable Bail Organizations Act.”

Section 2. [*Charitable bail organization.*]

(A) The [insert agency official] may issue a certificate to a charitable bail organization to deposit money as bail for another in accordance with the provisions of this section only if such entity is a non-profit organization organized pursuant to the United States internal revenue code as described by section 501(c)(3) of title 26 of the United States code, is registered as a charity [insert citation] and is current on such registration.

(B) The application for a charitable bail organization certificate shall be in such form or forms, and shall contain relevant information, as the [insert agency official] shall prescribe.

(C) The [insert agency official] may refuse to issue a charitable bail organization certificate if, in the [insert agency official] judgment, an applicant, or an officer or director of the applicant, has:

(1) Demonstrated untrustworthiness or incompetence;

(2) Given cause for the revocation or suspension of the certificate; or

(3) Failed to comply with any prerequisite for the issuance of the certificate.

(D) A charitable bail organization certificate shall be valid for a term of five years from issuance. At the time of application for every such certificate, and for every renewal thereof, an applicant shall pay to the superintendent a [insert fee] payable each term or fraction of a term, provided, however, that in his or her discretion, the superintendent may waive such fee.

(E) If an application for a renewal certificate shall have been filed with the [insert agency official] before the expiration of such certificate, then the certificate sought to be renewed shall continue in full force and effect either until the issuance by the [insert agency official] or the renewal certificate applied for or until five days after the [insert agency official] shall have refused to issue such renewal certificate.

(F) The [insert agency official] may refuse to renew or may revoke or suspend a charitable bail organization certificate for a reasonable period determined by the [insert agency official] if, after notice and hearing, the superintendent determines that an applicant or licensee, or an officer or director of the applicant or licensee, has:

(1) Demonstrated untrustworthiness or incompetence;

(2) Violated this section or authorized regulations promulgated thereunder; or

(3) Failed to stay current with their registration as a charity pursuant to [insert citation].

1 Section 3. [*Financial Requirements for Charitable Bail Organizations.*]

2 (A) A charitable bail organization shall:

3 (1) Only deposit money as bail in the amount of two thousand dollars or less for a
4 defendant charged with one or more misdemeanors, provided, however, that such organization shall
5 not execute as surety any bond for any defendant;

6 (2) Only deposit money as bail on behalf of a person who is financially unable to
7 post bail, which may constitute a portion or the whole amount of such bail;

8 (3) Only deposit money as bail in one county in this state. Provided, however,
9 that a charitable bail organization whose principal place of business is located within a city of a
10 million or more may deposit money as bail in the counties comprising such city; and

11 (4) Not charge a premium or receive compensation for acting as a charitable bail
12 organization.

13
14 Section 3. [*Severability.*] Insert severability clause.

15
16 Section 4. [*Repealer.*] Insert repealer clause.

17
18 Section 5. [*Effective Date.*] Insert effective date.