

How Do Bail Bonds Work?

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The posting of a bail bond is a contractual undertaking guaranteed by a bail agent and an individual posting bail. This bail agent provides a guarantee to the court that the defendant will appear in court each and every time he or she is summoned by the judge.

A relative or a family friend contacts the bail agent, before the defendant is released, to arrange for the posting of a bail. The bail agent gets a percentage of the amount decided by the judge for that particular defendant. By signing the agreement with the bail agent regarding posting the bail, the defendant or the co-signer, who might be a relative or a family friend, must provide a guarantee that the bail amount will definitely be paid in full if the defendant fails to appear at the summons. After an agreement is signed, the bail agent posts a bond for the amount of the bail, to guarantee the defendant's return to court.

Some bail agents prefer to have the defendant or the co-signer arrange for a collateral. Even if the collateral is not requested by the agent, the minimum criteria is that the co-signer must have a steady income, and must either own or rent a home in the same area as the defendant for some period of time. If the bail agent or the co-signer is unable to locate the defendant, the cosigner is immediately responsible for the full amount of the bail. After the defendant is located and arrested by the bail agent the cosigner is responsible for all expenses the bail agent incurs while looking for the defendant.

If the defendant cannot raise the entire amount of the bail, then the court might allow a situation in which the defendant pays a percentage of the amount directly to the local jail or court. But this is not a common practice in most courts.

Defendants also have the option of arranging for their bail through a bail bondsman. However, this involves the defendant providing a collateral to the bail bondsman. The bail bondsman or bail bond company representative will then guarantee to pay the court if the defendant fails to appear for trial, by posting a surety bail bond power of attorney with the jail or court. After the defendant has completed all court appearances and the case is closed, the bail bond will be dissolved and any collateral given to the bail bondsman will be returned to the defendant shortly thereafter.

A co-signer always has the responsibility to ensure that the defendant appears in court as and when required. The co-signer must know the whereabouts of the defendant at all times and must immediately notify the bail bondsman if the defendant has moved. Since the co-signer's collateral is at risk if the defendant fails to show up as summoned, it is advised to be cautious when it comes to keeping an eye on the defendant. Bail Bonds provides detailed information about bail bonds, bail bond companies, bail bond license, and more. Bail Bonds is affiliated with Free Criminal Records.