

Ask Anything: 10 questions with N.C. Bail Agents Assoc. President Mark Cartret

Posted: Mar. 9 11:57 p.m.

1. How exactly do bail bonds work? – Reba, Raleigh

Bail bonds help to assure a person's appearance in court. A person who has been arrested for an offense and placed under a "secured bond" may be released from custody by putting up the full amount of the bond in cash, with the signature of a person who has enough property to cover the amount of the bond, or by a bail agent. Bail agents charge a non-refundable fee of up to 15 percent of the amount of the bond. Upon signing the bond, the bail agent becomes responsible for the defendant's appearance in court and liable for the full amount of the bond. If the defendant appears in court as required and the case is disposed, the bond is void. If the defendant fails to appear in court, the bail agent must return the defendant to the court within 150 days or pay the full amount of the bond. This provides a strong financial incentive for the bail agent to do his or her job. If a bail agent is forced to forfeit on a bond, the bond amount is paid directly to North Carolina's free public school system.

2. Are bail bondsmen allowed to carry a gun? – Jimmy Heidelberg, Spring Lake.

Bail agents enjoy rights just like any other private citizen. Bail agents may carry firearms as protection but are held to the same requirements as other private citizens, including training and certification for firearms.

3. Do bondsmen actually hunt those who have skipped court or has Dog the Bounty Hunter glamorized it? – Terri Jobe, Rocky Mount

Yes, bail agents actually search for those who have skipped court. In addition to N.C. law giving bail agents the authority to arrest, consider the following ruling by the United States Supreme Court that has never been overturned. UNITED STATES SUPREME COURT (TAYLOR VS. TAINTOR, 16 WALL, 366) When bail is given, the principal is regarded as delivered to the custody of his sureties. Their dominion is a continuance of the original imprisonment. Whenever they choose to do so, they may seize him and deliver him up in their discharge; and if that cannot be done at once, they may imprison him until it can be done. They may exercise their right in person or by agent. They may pursue him into another state; may arrest him on the Sabbath; and, if necessary, may break and enter his house for that purpose. The seizure is not made by virtue of new process. None is needed. It is likened to the rearrest by the sheriff of an escaping prisoner.

4. Mark, has there ever been a crime so heinous (and you were convinced the person had committed the crime) that you refused to supply a bond to them in the hopes that they would remain in prison? – Frank, Apex

I am a strong believer in a person's rights under the law. One of the great foundations of our system of law is the presumption of innocence. I try never to draw any conclusions. However, a bail agent has full discretion on whether he or she decides to sign the bond for any defendant.

5. If I get one phone call (while in jail) , and I call you, what do I need to give you to get out? I assume the jailers take my wallet and credit cards. If I have cash or credit cards, how long does it take to get out? – Kelly Austin, Youngsville

Bail agents have various factors including payment method they consider before signing someone's bond and evaluate each case individually. Some bail agents require payment before the bond is posted and can process your credit card, other bail agents will allow payment after the bond is posted. A bail agent can sign your bond within a short time after your phone call. How long it takes you to get out depends on the jail administrators, not on the bail agent's actions.

6. What qualifications/training do you have to have/receive to become a bondsman? – Lacey Bond, Lillington

There is a lengthy and detailed process for how one pursues a career in the bail bonding industry. Details and information about these steps can be found by visiting the North Carolina Bail Agents Association's Web site at www.ncbaa.com/getlicensed.html.

7. What are the ranges of bonds written in Wake County from small to large? What is the largest bond Mark has personally written? – Bill Boyd, Cary

Bonds in North Carolina can range from less than \$100 to in the millions of dollars. While I have never written a bond in Wake County, I personally have never written a bond beyond \$500,000 on a single defendant.

8. What is the short answer for how bail bondsmen earn their income? I enjoy shows such as "Dog the Bounty Hunter," however it would appear that there is more liability than income. – Tammy Tutor, Fuquay-Varina

The short answer is simply: hard work! The bail industry is not a get rich quick industry, but a person can do well over time. Yes, the liability is always more than the income and that liability sometimes greatly impacts the income in a negative way if the defendant can not be located and the bond is forfeited.

9. Do you believe that a bondsman should be able to surrender a defendant for non payment then be able to turn around and bond the person out again the same charge they were surrendered on? And do you think it is a good idea for legislators to pass a law stating the same bail agency who surrenders a defendant should not be able to bond that person out again for at least 48 hours if they turned them in for non payment? – Joseph Payne, Durham

Any business expects to be paid for its services and usually provides contracts for payments. Withdrawal of services by a business because of nonpayment is not the fault of the business but the person who requested the service and failed to pay for the service according to the contract. A person's lights and water may be turned off but turned on again upon proper payment. A car may be repossessed only to be returned to the person upon proper payment. So it is the same with bail bonds. I am not aware of the need for such a law at this time.

10. Do many people jump bail? How does that affect you? – Teresa Bonlak, Raleigh

There are cases of people jumping bail. Usually 10 percent of the bail bonds that are written must be pursued due to the defendant failing to appear for his or her court date. However, bail agents, having the authority of arrest for those persons for whom they have posted bond, have a reputation for finding their man. It is generally accepted that bail agents arrest and surrender 98 percent of those persons who fail to appear in court. Many people who would not have gone to court do go because they are on a bond with a bail agent.