

**LOCAL RULES OF PRACTICE  
CRIMINAL COURT  
ELEVENTH JUDICIAL DISTRICT (HAMILTON COUNTY), TENNESSEE**

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**Rule 1. Adoption, citation, purpose, and suspension of local rules of practice**

Effective 1 September 2007, the Criminal Court of the Eleventh Judicial District (Hamilton County), Tennessee, abrogates all existing local rules of practice and adopts these rules. Citations to these rules may be in the form “L. R. Crim. P.”

The purpose of these rules is to facilitate the just determination of every criminal proceeding in this Court by securing simplicity in procedure and fairness in administration and eliminating unjustifiable expense and delay and unnecessary claims on the time of jurors. A judge may suspend the rules as justice requires or enter a scheduling order in a particular case that sets deadlines other than those set forth herein.

**Rule 2. Grand juries**

Each judge shall preside over the grand jury for a term of four (4) months each year. At the beginning of each term, the presiding judge shall empanel two grand juries, a regular jury and a concurrent jury. The grand juries shall serve for the entire term, unless they are discharged earlier. During the term, the presiding judge shall have exclusive jurisdiction of cases before the grand jury.

The first session of each grand jury shall begin on the day it is impaneled and continue until it completes its assignment and reports to the presiding judge. Thereafter, it shall convene at least one day each week, as designated by the presiding judge, and continue in session until it completes its assignment and reports to the presiding judge.

Subject to the direction of the presiding judge, the clerk shall schedule cases within two weeks when possible but, in any event, as soon as possible after the office of the clerk receives the bound-over warrant. Jail cases shall receive priority.

### **Rule 3. Allocation of cases**

As the grand jury reports, the clerk shall alphabetize all indictments and presentments by the name of the defendant or, in cases involving multiple defendants, by the name of the first defendant and enter the cases in a program that numbers the cases and allocates them among the three divisions of the Court. If a single defendant has multiple cases or multiple indictments or presentments charge different defendants with the same offense or with offenses arising from the same transaction, the program shall group all indictments or presentments for the defendant or defendants with the lowest-numbered case and thereafter treat the group as a single case for the purpose of allocation.

With the exception of requests for extraordinary relief, which shall be resolved by the judge to whom the request is directed, the three divisions of the Court shall share equally the responsibility of hearing non-jury and appeal cases. The clerk shall docket all non-jury and appeal cases not otherwise provided for in these rules in the order in which they are received and shall allocate such cases weekly, with each division receiving every third case. In the event that a single defendant has multiple cases, the clerk shall treat all cases for that defendant as a single case for the purpose of allocation.

After the allocation of new cases, the clerk shall prepare an arraignment docket for each division of the Court. Each arraignment docket shall contain all new cases for that division as well as any other cases restored to the docket by the apprehension of the defendant or another event, all cases continued or specially set, and all non-jury and appeal cases not otherwise set.

### **Rule 4. Management of cases**

At arraignment, the court will assign a court date for plea or further assignment of the case. For good cause, the court may assign additional plea or assignment dates. At the final plea or assignment date, if the defendant does not plead, the court will set the case for trial.

Once a case is set for trial, the court will not accept any settlement except for good cause, which shall be brought to the court's attention as soon as practicable before the trial date(s). On the trial date, the case may be resolved only by trial, the state's motion for dismissal with prejudice, or the defendant's plea of guilty to the charge(s).

For good cause, the court may grant a continuance. Whether absence of a witness is such cause depends on compliance with provisions of Rule 9 of these rules and Tenn. R. Crim. P. 17 regarding subpoenas. At the time of any continuance, the court will assign a new trial date.

## **Rule 5. Schedules**

Jury trials will usually be set to begin at 9:00 a.m. on Tuesday or Thursday. Non-jury matters will usually be heard as follows:

### **Division I:**

Arraignments and assignments: 8:30 a.m., Wednesday; 9:00 a.m., Friday;  
Bench trials: Designated hour, Monday through Thursday;  
Motions: 9:00 a.m., Monday;  
Pre-trial conferences: Designated hour, Monday through Thursday;  
Suspensions of sentence: 9:00 a.m., Monday;

### **Division II:**

Arraignments and assignments: 8:30 a.m., Friday;  
Bench trials: 1:30 p.m., Monday;  
Drug court: 1:30 p.m., Monday;  
Motions: 8:30 a.m., Monday;  
Settlements: 8:30 a.m., Tuesday, Wednesday, and Thursday; and

### **Division III:**

Arraignments and assignments: 9:00 a.m., Friday;  
Bench trials: Designated hour, Monday through Thursday;  
Motions: 9:00 a.m., Monday;  
Suspensions of sentence: 9:00 a.m. or designated hour, Monday through Thursday.

## **Rule 6. Pre-trial deadlines**

The parties shall file any motion that requires a pre-trial hearing in sufficient time for the court to hear the motion on a regular motion day before trial. Before filing a motion to compel discovery, counsel shall seek to resolve each discovery dispute with adverse counsel.

A party who intends to offer an aural or visual recording as evidence in its case in chief in a jury trial shall so notify all other parties in writing and file a copy of the notice at least twenty (20) days before trial. Counsel may review the recording in the form in which the offering party intends to offer it and may copy the recording at his or her expense. If counsel has any objection to the recording, he or she shall promptly advise counsel for the offering party and counsel shall attempt to resolve the objection. If they cannot do so, counsel for the objecting party shall file a motion *in limine* in sufficient time for the court to rule on the matter before trial and the offering party to complete any necessary editing.

The parties shall request any subpoena in sufficient time for the clerk or other court officer to issue the subpoena at least fifteen (15) days before trial or deposition. The sheriff shall return the subpoena at least five (5) days before trial or deposition.

A defendant who intends to assert a defense of insanity to the charge(s) shall so notify the district attorney general in writing and file a copy of the notice at least ten (10) days before trial. A defendant who intends to offer expert testimony regarding a mental disease, defect, or condition of the defendant bearing on the issue of his or her guilt shall so notify the district attorney general in writing and file a copy of the notice at least ten (10) days before trial.

The parties shall file any special request for jury instructions before jury selection begins. If an issue is not then apparent, the parties shall file any such request as soon as practicable thereafter.

### **Rule 7. Preparation and dissemination of orders**

The judge shall prepare most orders and judgments, except judgments of conviction, which the prosecutor shall prepare. In some cases, the judge may direct the clerk or a party to prepare an order or allow a party to submit an order. When a party prepares an order, the party shall include spaces for the signatures of all parties or counsel on the left margin under the space for the signature of the judge. The same party who prepares the order shall sign it and submit it to other parties or counsel for their approval. If any party fails to agree that the order accurately states the judgment of the court, the party who prepares the draft shall so indicate on the draft and submit it to the judge. The party who disagrees with the accuracy of the draft may then prepare and submit his or her own draft to the judge. The judge shall then choose one of the drafts or prepare his or her own order. A party submitting a draft of an order shall submit the original with a copy for each adverse party.

It is the duty of the clerk to notify all parties of the entry of written orders and judgments by providing them with a copy thereof. It is also the duty of the clerk to notify any person who has a duty to execute any part of the order or judgment, *e.g.*, the sheriff, the department of correction, a probation officer, or a court reporter, and any other person for notice to whom the order or judgment provides.

### **Rule 8. Records**

The clerk shall, at all times, have custody and control of the records of the Court and be responsible for their safekeeping. No one other than the clerk or a deputy clerk may remove a record from a case file. Counsel in a case may withdraw the case file from the clerk's office on receiving the clerk's permission and furnishing the clerk with a receipt. No one may withdraw a case file for the purpose of taking it to the courtroom except the judges of the Court, the clerk or deputy clerks, or, with the permission of the clerk, attorneys.

### **Rule 9. Appearance and withdrawal of defense counsel**

An attorney becomes counsel of record by appearing for a defendant in open court without announcing that he or she is appearing for a special purpose only, by filing any

pleading or motion for a defendant without expressly limiting the appearance, or by receiving an appointment from the court.

An attorney of record may only withdraw from a case by filing a written motion to withdraw and, in open court, obtaining permission to withdraw. To a motion to withdraw, counsel shall append a notice of the date and time of the hearing and the defendant's obligation to attend and a certificate of service on the defendant, any surety, and the state. In addition, the clerk shall notify any surety of the defendant's obligation to attend the hearing.

### **Rule 10. Conduct in the courtroom**

The space within the bar is, at all times, reserved for members of the bar, officers of the court, the clerk, any witness in the witness box, and any person at a table whom the state or the defendant designates as a necessary aide. All other persons who are in the courtroom while court is in session shall be seated outside the bar in the space reserved for spectators.

While a case is pending before a jury and the jury is occupying the jury box or a jury room, no one, other than officers who are in charge of the jury and attorneys who are presenting or arguing a case, may stand, walk, or sit in the immediate vicinity of the jury box or jury room. While the judge is on the bench, no one, other than counsel, may walk between a counsel table and the bench.

Except for occupants of the tables and witness box, who may drink water within the bar, no one may consume food or drink or use tobacco products in the courtroom. Except as used by counsel in accordance with Tenn. Code Ann. § 20 9 104 and by the media in accordance with Rule 11 of these rules, the use of any recording device, aural or visual, in the courtroom is prohibited and the use of any communication device in the courtroom for a purpose other than aural or visual recording must be silent and brief. The presence of small children in the courtroom is discouraged, and counsel shall so apprise their clients and witnesses.

All persons shall stand when addressing the court, except those suffering from a physical or other disability and counsel when voicing an objection and having insufficient time to rise.

### **Rule 11. Operation of media**

Media and their agents who record or broadcast in a courtroom shall understand and comply with Tenn. Sup. Ct. R. 30, which governs media access to public judicial proceedings in the courts of this state, prohibits the recording or broadcasting of certain participants, proceedings, and conferences, limits the number, sensitivity, and obtrusiveness of certain media devices and the number and conduct of the operators of such devices, and authorizes pooling arrangements. At no time may media record on or broadcast from the third floor of the City-County Courts Building, except, in compliance

with Tenn. Sup. Ct. R. 30, in a courtroom or, on invitation, at the office of the district attorney general.

### **Rule 12. Bail and relief from forfeiture**

No official may accept a personal check as a cash deposit in lieu of bail. Any official accepting a cash deposit in lieu of bail shall proceed as follows:

- (1) the official shall mark “cash bond” on the bond form;
- (2) the official shall have the defendant execute the bond form by signing it and inscribing his or her address thereon;
- (3) the official shall ascertain the name and address of the depositor and inscribe them on the bond form; and
- (4) the official, if other than the clerk or a deputy clerk, shall transmit the bond form with the deposit to the office of the clerk.

After a preliminary forfeiture on a bail bond and within one hundred eighty (180) days of the service on the surety or, if there is no service, the return of *scire facias*, the principal and surety may file a request for relief. Such requests shall be heard on the bond docket on the second Tuesday of the next month. All matters regarding forfeiture or relief on bail bonds shall be heard in open court on the last motion day of the month.

Any surety who is a professional bondsman within the meaning of Tenn. Code Ann. § 40 11 301(4) shall understand and comply with applicable provisions of Tenn. Code Ann. §§ 40 11 101-405. Professional bondsmen are also subject to additional rules of this Court that appear in an appendix hereto.

### **Appendix. Bonding company rules and regulations**

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**I. Petitions for approval:**

A. All petitions for approval of a new company must be in a form similar to the one provided by the Criminal Court Clerk's office. Petitions must have a street address and business telephone number for the bonding company office. Bonding companies must have a business license.

B. Petitions for approval of a new company shall be heard by the Criminal Court Judges of the 11<sup>th</sup> Judicial District of Tennessee sitting en banc on the second Tuesday of each month. Petitions to be considered must be filed with the Criminal Court Clerk's office by four o'clock (4:00) P.M. two (2) weeks prior to the hearing.

**II. Collateral:**

A. Effective September 1, 1997, any person filing a petition to open a professional bail bond company in Hamilton County is required to post a minimum of Forty Thousand Dollars (\$40,000.00) in cash with the Criminal Court Clerk, as security for bail bonds written. No real or other personal property collateral will be approved by the Court. An approved Bonding Company may post additional cash collateral in increments of \$1,000.00 with the Criminal Court Clerk at any time.

1. This collateral may be in the form of one or more Certificates of Deposit issued by a federally insured financial institution chosen by the Criminal Court Clerk. Such Certificate of Deposit shall be issued to the Criminal Court Clerk as Trustee for the bonding company, and shall require either the signature of both the Clerk and the owner of the company, or a Court Order, before being withdrawn.
2. A Certificate of Deposit shall not exceed a face value of \$10,000.00, and its term shall be for a period of time not to exceed one year. Any interest accruing on the Certificate of Deposit will not be considered as additional collateral and shall be paid by the financial institution to the bonding company upon maturity of the Certificate. Any notices or statements issued by the financial institution shall be mailed to both the Criminal Court Clerk and the bonding company.

B. Those companies previously qualified with real estate posted as security with the Criminal Court Clerk must have on file current proof of ownership, a certified title search stating there are no liens on the property, an appraisal of such property with the Criminal Court Clerk, and certified proof that no taxes are due. The property appraisal must have been conducted within one year of the date of the filing and must be certified by a licensed property appraiser. Such proof of ownership, statement of liens and tax receipts must be filed annually along with the semi-annual report due July 15<sup>th</sup>, and each July 15<sup>th</sup> thereafter.

1. For the purpose of collateral, real property will have a maximum value, regardless of the appraisal, of \$25,000.00.
2. Effective July 15, 1995, no real property shall be accepted as collateral or security, nor shall there be any real property substitutions.

C. Any bonding company sold or transferred to another person for any reason must meet all guidelines and requirements in effect at the time of court approval as if for a new company, unless otherwise ordered by the Court for good and sufficient cause. The Court must approve all transfers and/or sales before any liability of the previous owner is released by the Court.

**III. Limits:**

A. Any company approved by the Court, and operating on posted cash collateral may write total bonds in an amount equal to ten (10) times the amount of the cash collateral posted with the Criminal Court Clerk.

1. A bonding company may be allowed to write any one bond for any one person in an amount equal to one half (50%) of the total collateral posted.

B. A bonding company having real property posted as collateral, and complying with these rules, will be allowed a total bond limit in an amount equal to (a) ten times the appraised value of the property or (b) \$175,000.00, whichever is less.

C. The Criminal Court Clerk shall review all bonding companies' outstanding bonds, forfeitures, and final judgments on a monthly basis. The Clerk shall notify the Criminal Court Judges and the Sessions Court Judges and all jails within Hamilton County of those bonding companies that have exceeded their allowed limits.

1. A bonding company exceeding its total allowable bond limit shall be removed from the list of approved bonding companies. A company exceeding its limits shall not be allowed to write any bail bonds until the outstanding bonds are within the company's allowable limits.

**IV. Forfeitures:**

A. The Criminal Court Clerk shall notify each bonding company of every forfeiture for which that company is responsible. Notices of forfeiture, or Scire Facias, shall be made available for each company to pick up on a weekly basis.

1. The bonding company shall pick up all Notices each week and shall sign and date a duplicate copy indicating date of receipt.

B. Bonding companies will be allowed total forfeitures in Hamilton County Sessions Court and Hamilton County Criminal Court, combined, in an amount equal to the amount of collateral posted.

1. Bonding companies that are within their forfeiture limit will be allowed 180 days beginning when the forfeiture was taken, within which to surrender the defendant to the Court, before a Final Judgment will be issued requiring the bonding company to pay the amount of forfeiture.

C. Bonding companies that have exceeded their forfeiture limit at the time of the monthly review by the Clerk shall be removed from the list of approved companies and shall not be allowed to write any bail bonds until the forfeitures are again within the company's allowable limits. A company has exceeded its forfeiture limit when the sum of conditional and final forfeitures in the Hamilton County Criminal Court plus the sum of final forfeitures in the Hamilton County General Sessions Court exceeds the amount of collateral posted and pledged with the Criminal Court Clerk.

D. No petition or request for relief on forfeited bail bonds will be considered in Criminal Court and/or Sessions Court unless such petition or request is accompanied by:

1. The duplicate copy of the receipt required by TCA 40-11-304; and
2. A sworn statement specifically describing any collateral security and its value, or a sworn statement that no collateral security was taken by a bonding company and/or its agent; and
3. A sworn statement describing any indemnity, guarantee, promissory note or any other agreement made by any person regarding reimbursement to the bonding company and/or its agent in the event of forfeiture, or a sworn statement that no such agreement exists; and
4. A sworn statement describing all monies paid to the bonding company and/or its agent regarding original bond and/or indemnity and any balance due, if any; and
5. A sworn statement describing any expenses actually incurred and paid by the bonding company and/or its agent with receipts of same attached; and
6. A sworn statement describing the last known address or location of the defendant.

E. In the event of a final forfeiture, upon the surrender of the defendant as a direct result of the bondsman's efforts, and for a period of time not to exceed two years from the date of forfeiture, the bondsman may file a Petition with the Court requesting a refund of the payment previously made to the Court. Any refund, and the amount of same, shall be in the sole discretion of the Court after a hearing. In no event will court costs paid by a bondsman pursuant to a final forfeiture be refunded by the Clerk.

**V. Surrenders:**

A. A bondsman or his/her agent attempting to surrender his/her principal must comply with TCA 40-11-137.

1. All surrenders, including those done in open court, must be by means of a certified copy of the bail bond provided by the Criminal Court Clerk and filed with the Clerk. Pursuant to TCA 40-11-137, surrenders by a bondsman must be for good cause and approved by the Court in which the case is pending.

B. The following procedures are to be followed for the surrender of a defendant when no *capias* has been issued for the defendant's arrest:

1. During normal business hours any bondsman wishing to surrender a defendant may get a certified copy of the original bond undertaking from the Criminal Court Clerk's office along with a Notice informing the defendant about the right to a surrender hearing.
2. After normal business hours, a bondsman may receive a certified copy of the bail bond from the annex office of the Criminal Court Clerk currently located at the Hamilton County Jail.
3. The defendant must be given a copy of the Notice and sign the Notice indicating its receipt. In the event that a defendant refuses to sign the Notice, the Hamilton County Sheriff or his/her representative may sign the

Notice as a witness that the Notice was given to the surrendered defendant.

4. The defendant may then be surrendered to the custody of the Hamilton County Sheriff who shall sign the certified bond and then return the signed certified bond to the surrendering bondsman.

C. The surrender hearing shall be held on the morning following the surrender prior to the Court's regular docket.

1. The surrendering bondsman shall take the certified bond form signed by the Sheriff and the Notice signed by the defendant to the Court having jurisdiction over the matter. At that time the surrendering bondsman must be present and a sworn affidavit must be presented to the Court setting forth in detail:
  - a. The reason(s) for surrender; and
  - b. Any indemnity or guarantee received by the bonding company and/or its agent; and
  - c. Any collateral or payment received by the bonding company and/or its agent, along with a copy of the receipt verifying the amount of payment.

D. The Court shall then determine whether the surrender was for good cause. If the Court finds that the surrender was for good cause, the Court shall approve the surrender by endorsement upon the certified bail bond or by other writing. If the Court finds that the surrender was not for good cause, it may order the defendant released upon the same undertaking, and/or impose any other conditions within its discretion as provided by law. The Court shall also make a finding of the amount, if any, of the premium to be refunded and to whom.

1. It shall be the duty of the surrendering bail bondsman to deliver the original court signed certified bond or other written approval to the Clerk in order to be relieved of responsibility.

E. A bonding company or agent wishing to surrender his or her principal must surrender that principal for each and every charge or case pending against that principal for which the company or agent has written a bail bond.

## **VI Final judgments:**

A. Any final forfeiture judgment must be paid within thirty (30) days of the date of judgment. A company having an unpaid final forfeiture judgment at the end of thirty (30) days shall be removed from the approved list and not allowed to write bail bonds in Hamilton County until the judgment is paid and/or the Bonding Company is reinstated by Court Order.

1. In the event that a bonding company fails or refuses to pay a Final Judgment within the allowed thirty (30) days, the Criminal Court Clerk shall request a Court Order requiring an amount necessary to satisfy the judgment to be deducted from that company's collateral.
  - a. In the event that it becomes necessary for the Clerk to deduct the amount of judgment from the collateral, the bonding company must file a Petition with the Court requesting to be reinstated. The company must post with the Clerk such collateral as is then

required as a minimum for a new company under the local rules before being reinstated as an approved company.

- b. The Clerk must keep any remaining collateral until the bonding company has no outstanding bonds or forfeitures in Hamilton County. When the company has no further liabilities with any Court, the Clerk shall notify the company by certified mail of the amount of funds remaining and of the company's right to a return of such funds. If, after one hundred eighty (180) days, the company has not requested in writing a return of the balance of funds remaining on deposit, said funds shall be considered abandoned and shall become the property of the Hamilton County Criminal Court Clerk.
2. In the event that the collateral on deposit with the Criminal Court Clerk is insufficient to satisfy a judgment, the Clerk shall proceed with other legal means of collection in order to fully satisfy the judgment. This may include attaching other property of the bonding company, its trustee, and/or its owner.
3. The Clerk shall first apply payments of a final judgment to any costs incurred, including but not limited to reasonable attorneys' fees and publication expenses. Then the Clerk shall apply the payment to court costs and then to the final judgment.

**VII. Company changes:**

A. Any changes to a bonding company's address and/or telephone number from that noted in the original petition must be made in writing and filed with the Criminal Court Clerk.

1. Until the bonding company notifies the Clerk of a change, the telephone number, etc., on file with the Clerk will be the information provided to and by the local jails within Hamilton County.

B. Requests for changes to a bonding company's name, ownership, or agent(s) must be submitted to and approved by the Court in writing, before any change becomes effective.

1. Changes to a bonding company's name, ownership, or agents, shall be heard by the Criminal Court Judges sitting en banc on the second Tuesday of each month.
  - a. Requests for ownership changes or the addition of an agent shall be filed with the Criminal Court Clerk no later than four o'clock (4:00) P.M. two weeks prior to the hearing.
  - b. Requests to delete an agent must be in writing and may be presented to the Court for its approval at any time by the Criminal Court Clerk.

**VIII. Notices:**

A. All notices from the Criminal Court Clerk's office will be mailed to the bonding company and/or agent at the address last on record in the clerk's office.

1. In the Criminal Court Clerk's discretion, and upon notice to the approved bonding companies, copies of monthly reports detailing a company's outstanding bonds and forfeitures in Sessions Court and Criminal Court may be made available to the companies at the Criminal Court Clerk's Office in lieu of mailing same.

**IX. Court schedule:**

A. Unless otherwise stated, all bonding matters in Criminal Court (settling forfeitures, additional time, petitions, etc.) shall only be heard in open court on the second Tuesday of each month at eight o'clock (8:00) A.M.

B. Unless otherwise stated, all bonding matters in Sessions Court shall only be heard in open court on each Friday at eleven o'clock (11:00) A.M.

C. Surrenders by a company and/or agent shall be heard in open court on the morning's docket next following the surrender.

**X. Receipts:**

A. Every bondsman and/or agent must use at least duplicate carboned receipts to record all payments made by or on behalf of a defendant. A copy of the receipt must be given to the defendant. Receipts shall include:

1. A specific description of all property, including cash or checks, received from the defendant or someone acting on defendant's behalf, and
2. The signature of the defendant or someone acting on his/her behalf, and
3. The balance, if any, due and the terms of paying such balance.

**XI. Business license:**

A. Each bonding company must have a valid and current business license. A copy of the license and receipt of payment for same must be filed with the Criminal Court Clerk on an annual basis each January 15<sup>th</sup>.

**XII. Complaints:**

A. Any person may file a complaint against a bonding company and/or its agent. Forms are available from the Criminal Court Clerk.

1. Complaints must be in writing, must be legible, and include:
  - a. The printed name of the person making the complaint; and
  - b. The printed full address and telephone number of the person making the complaint; and
  - c. The printed name of the defendant and the docket number involved; and
  - d. The name and address of the bonding company and agent involved; and
  - e. A summary of the circumstances or action being complained of, including when and where the alleged action took place; and
  - f. The signature of the person making the complaint.
2. Upon receipt of any written complaint, the Criminal Court Clerk shall:
  - a. First forward a copy of the complaint to the bonding company requesting a written response within ten (10) days; and
  - b. After ten (10) days, provide a copy of the complaint and the response, if any, to the Court.
  - c. The Clerk will then notify all parties in writing of the date and time scheduled for a hearing.

B. Upon a hearing of all parties present, the Court shall make a finding of fact as to whether or not the allegations contained in the complaint violate any rules of the Criminal Court of Hamilton County, and whether or not the allegations support any ethical violations. The Court may in its sole discretion make any finding and orders it deems necessary, including:

1. The referral to the District Attorney's office for any allegations that may rise to the level of a criminal offense; or
2. The suspension or termination of the bonding company's approval to do business; or
3. The refund of any premium paid or a portion thereof; or
4. The setting of any conditions the Court feels necessary.

**XIII. Clerk fees:**

A. There shall be a filing fee, payable in advance, of \$15.00 for the filing of any document except the Semi-Annual Reports. Any document includes but is not limited to the following:

1. Any change in the company's name, address, telephone number;
2. The addition or deletion of any agent;
3. A response to any complaint; or
4. The notification of an arrest of a bonding company agent.

B. There shall be a \$6.00 fee, payable in advance, for the surrender of any defendant, including those done in open court. In the event of multiple charges or cases for one defendant, the fee must be paid for each charge or case for which the surrendering bonding company has liability.

**XIV. Miscellaneous:**

A. It shall be the responsibility of the bonding company that all bonds shall be fully completed. Bail bonds shall:

1. Have the name, address and zip code number of the defendant legibly printed thereon;
2. Be signed by the agent making said bond; and
3. Have the name of the bonding company boldly and legibly stamped or printed thereon.

B. A bonding company, or its agent, must be given a copy of each bail bond at the time the bonding company, or its agent, accepts responsibility for the defendant. The bonding company must retain a copy of each bail bond for which it is liable.

C. Any bonding company authorized by the Hamilton County Criminal Court Judges shall file with the Criminal Court Clerk a semi-annual financial report pursuant to TCA 40-11-303.

1. Upon the failure of any company to file this report, or any other record or document required by statute or local rules, the Criminal Court Clerk shall notify the Criminal and Sessions Court Judges and shall remove the company from the approved list. In such event, the company shall not be allowed to write any bonds until such time as all requirements are met.

D. All persons having financial or managerial interests in a bonding company must be revealed on the initial petition and on the same semi-annual report.

1. There is no prohibition against one person or entity owning, having any ownership or financial or managerial interest in more than one bonding company if:
  - a. Such interest is revealed to the Court, and
  - b. Each company is qualified with its own deposited security and the corresponding limits, and

- c. Each company has its own business license and telephone number, and
  - d. Each company has its own separate agents who write bonds only for that one company.
- 2. In the event that complete ownership interest is not revealed to the Court, the Court may in its discretion take whatever action it deems necessary including the temporary or permanent removal of that company.
- E. There is no prohibition against a person or entity owning a bonding company from also owning or having an interest in any other business. Such other interest must be revealed to the Court at the time of the original petition and on the semi-annual reports.
  - 1. The Court may, in its discretion, impose any limits or conditions it feels necessary to ensure the professional standing or appearance of the bonding company.
    - a. Such measures, if any, shall be in the public interest to avoid a conflict of interest or an appearance of impropriety on the part of the bonding company.
- F. An agent may be qualified for, and write bonds for, only one bonding company.
  - 1. An owner of more than one bonding company may be approved by the Court as an agent for each company under his/her ownership, thereby being qualified to write bonds for each company owned.
- G. Pursuant to TCA 40-11-125 and 40-11-126, the Court may take appropriate disciplinary action including the withholding, suspension, or termination of approval to do business if it appears to the Court that a bondsman:
  - 1. Has been guilty of violating any of the laws of the State of Tennessee relating to bail bonds; or
  - 2. Has been arrested and convicted for violating any of the laws of any state; or
  - 3. Has a final judgment of forfeiture entered against him/her that remains unsatisfied; or
  - 4. Has failed to comply with any local rules; or
  - 5. Is guilty of unprofessional conduct that includes but is not limited to:
    - a. Loitering about any jail or court premises for the purpose of soliciting business;
    - b. Suggesting or advising the employment of, or otherwise making referrals to, any particular attorney to represent the defendant;
    - c. Paying a fee or giving or promising anything of value to any attorney, to acquire a bond, or receiving a fee or anything of value from any attorney;
    - d. Paying a fee or giving or promising anything of value to any clerk of court, jailer, police officer, peace officer, committing magistrate or any other person who has power to arrest or hold in custody, or to any public official or public employee to secure a bond and/or a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof;

- e. Paying a fee or rebate or giving anything of value to an attorney in bail bond matters, except in the defense of any action on a bond;
- f. Participating in the capacity of an attorney at a trial or hearing of one on whose bond he/she is surety;
- g. Surrendering a principal or asking any court to be relieved from a bail bond arbitrarily, or without good cause;
- h. Accepting anything of value from a principal except the premium; however, the bondsman shall be allowed to accept collateral security or other indemnity from the principal with the provision that such shall be returned upon final termination of liability on the bond. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. When a bail bondsman accepts collateral, he/she shall give a written receipt for same, and this receipt shall give in detail a full description of the collateral received and the terms of redemption;
- i. Making or posting a bail bond for himself/herself, or for another agent of the same bonding company.

H. It shall be the responsibility of any bonding company and/or bonding company owner to immediately notify the Court, in writing, of any misdemeanor and/or felony arrest of any of its agents, including an owner/agent. Failure to do so may result in any disciplinary action against the agent and/or company the Court, in its sole discretion, feels necessary.

**XV. Amendments:**

- A. These rules may be amended from time to time by the Criminal Court Judges.
  - 1. Upon amendment, the Criminal Court Clerk shall notify all bonding companies then in existence by certified mail, return receipt requested, or by personal delivery with a signed receipt for same.
  - 2. Upon notice, all bonding companies then in existence shall comply with such.

**XVI. Noncompliance:**

A. Bonding companies may have sixty (60) days to correct any noncompliance with these rules or the laws of the State of Tennessee. After sixty (60) days a company shall be permanently removed from the approved list. Those wishing reinstatement after this time must file a new Petition with the Court and meet all criteria then in effect, as though it were a new company.

**XVII. Enforcement:**

A. In the event that legal action is necessary to enforce any rules or to collect any judgment, the owner of a bonding company shall pay any attorney fees, court costs, and other costs incident thereto.