

1976 WL 30545 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
September 10, 1976

*1 Mr. Frank H. Bailey
Assistant Director
The Council of State Governments
Post Office Box 11910
Iron Works Pike
Lexington, Kentucky 40611

Dear Frank:

Your letter of September 2 requests information as to any modifications in any bail bonding system that may have been made in this State.

I am enclosing herewith a copy of an opinion dated September 1, 1976, which concludes that the bail bond business in South Carolina is subject to regulation by the Insurance Commission in that it is conducting the business of Surety insurance. This opinion is now being implemented by the Insurance Commission and regulations will soon be issued regarding the precise details of the regulatory scheme. We have, additionally, for the past few years operated under a personal recognizance provision of law which entails no deposit of cash or obtention of surety. Personal recognizances are, however, not widely utilized.

Essentially, a defendant may be admitted to bail upon the furnishing of the required amount in cash or by procuring personal sureties who have the necessary property ownership qualifications. Additionally, surety bonds are acceptable.

Because of the large amounts of net worth required of insurance companies to qualify to do business, it is doubtful if very many companies will qualify to engage in the bail bond business. Consequently, a demand may be made for a more readily available method of release in bail.

Very truly yours,

Daniel R. McLeod
Attorney General

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