



State of Tennessee

PUBLIC CHAPTER NO. 491

HOUSE BILL NO. 576

By Representatives Doggett, Mr. Speaker Sexton, Howell, Lafferty

Substituted for: Senate Bill No. 1245

By Senators Haile, Jackson and Mr. Speaker McNally

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 13; Title 39; Title 40; Title 41; Title 56; Title 62 and Title 67, Chapter 4, Part 8, relative to bond.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-1304(a), is amended by adding the following as a new subdivision:

(11) Board of professional bondsmen;

SECTION 2. Tennessee Code Annotated, Section 40-11-124, is amended by adding the following as a new subsection:

(c)

(1)

(A) The department of commerce and insurance shall provide the clerk, sheriff, municipal courts, and other inferior courts with a current approved list of professional bondsmen licensed by the board of professional bondsmen.

(B) The clerk, sheriff, municipal courts, and other inferior courts shall have available a list of licensed professional bondsmen or other sureties approved and qualified as solvent by the courts of record with criminal jurisdiction within the county. The approved lists must be provided by the judges of those courts.

(2) An undertaking must not be accepted unless the professional bondsman or other surety is licensed under part 3 of this chapter and approved and qualified as solvent by the courts of record with criminal jurisdiction within the county.

(3) Notwithstanding the issuance by an association of a guaranteed arrest or bail bond certificate, as defined in § 40-11-145, a professional bondsman licensed by the board of professional bondsmen, pursuant to part 3 of this chapter, shall provide proof of such licensure to all courts of this state having jurisdiction and authorized to admit to bail when appearing before such courts.

SECTION 3. Tennessee Code Annotated, Section 40-11-125(a), is amended by deleting the language:

In addition to the requirements of part 3 of this chapter regulating professional bondsmen, approval of a professional bondsman or other surety may be withheld, withdrawn or suspended by any court if, after investigation, it appears that a bondsman:

and substituting the language:

In addition to the requirements of part 3 of this chapter regulating professional bondsmen, licensure of a professional bondsman may be withheld, withdrawn, suspended, revoked, or denied by the board of professional bondsmen if, after investigation, it appears that a professional bondsman:

SECTION 4. Tennessee Code Annotated, Section 40-11-125, is amended by deleting subsections (b)-(d) and substituting the following:

(b) If, after investigation, the board finds a professional bondsman to be in violation of any of the statutes enumerated in this section, then the board shall notify the bondsman in writing of the bondsman's right to a hearing prior to imposing any sanction permitted under this chapter. If the bondsman fails to notify the board in writing within ten (10) days from the date of the board's notice that the bondsman seeks a hearing, then such hearing is waived and the board may impose upon the bondsman any sanction or discipline permitted by this chapter. All hearings conducted pursuant to this subsection (b) must be in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The board shall remove the offending professional bondsman's name from the approved list as maintained on the board's registry under § 40-11-314 and notify all courts in which the professional bondsman is approved to practice.

(d)

(1) Notwithstanding the board's authority under this section, a court may deny, withhold, suspend, or revoke an approved professional bondsman's bonding privileges in such court upon the court's determination that the professional bondsman's conduct is detrimental to the bondsman's client or is disruptive to the court or court proceedings.

(2) The court shall notify the board of its action, and the board may strike the offending bondsman from the approved list as maintained on the board's registry under § 40-11-314, following review by the board.

(3) Any bondsman whose bonding privileges have been denied, withheld, suspended, or revoked under subdivision (d)(1) has the right of appeal to the next highest court having criminal jurisdiction, and the appeal must be heard de novo.

(e) Any disciplinary action taken against a professional bondsman under this section must be published in accordance with § 56-1-302(a)(9).

SECTION 5. Tennessee Code Annotated, Section 40-11-127, is amended by deleting the section and substituting the following:

Upon a finding by a district attorney general that a professional bondsman has violated this chapter, the district attorney general may:

(1) File a complaint with the board of professional bondsmen that details all violations alleged to have been committed by the professional bondsman for further action, if necessary, by the department; and

(2) Prefer charges to have a bail bondsman stricken from the approved list pursuant to § 40-11-125 with the same provisions for notice, answer, and hearing before the court, and the same right of appeal.

SECTION 6. Tennessee Code Annotated, Section 40-11-132(1), is amended by deleting the subdivision.

SECTION 7. Tennessee Code Annotated, Section 40-11-133(d), is amended by deleting the language "Any approved bail bondsman in good standing" and substituting the language "Any licensed professional bondsman in good standing with the board of professional bondsmen".

SECTION 8. Tennessee Code Annotated, Section 40-11-303(a), is amended by deleting "file with the clerk of the circuit or criminal court in each county" and substituting "file with the board of professional bondsmen and the clerk of the circuit or criminal court of each county".

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SECTION 9. Tennessee Code Annotated, Section 40-11-306, is amended by adding the following language at the end of the section:

The court shall report any action taken under this section to the board of professional bondsmen for review to determine if additional disciplinary action is to be taken against the professional bondsman.

SECTION 10. Tennessee Code Annotated, Section 40-11-306, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b) In addition to the limitations imposed under subsection (a), the board of professional bondsmen may suspend or revoke the professional bondsman's license to practice bail bonding in this state upon its review of the findings of the investigation by the court. A person whose license to practice bail bonding has been suspended or revoked under this subsection (b) may appeal such action by the board pursuant to § 40-11-125.

SECTION 11. Tennessee Code Annotated, Section 40-11-313, is amended by deleting the section and substituting:

(a) It is unlawful for a person to act as a professional bondsman, directly or indirectly, while:

(1) Serving as a constitutionally elected peace officer, or as such officer's deputy, or any duly elected or appointed county official; or

(2) Owning, operating, or being an employee of a qualified electronic monitoring provider, as defined in § 40-11-152(a).

(b) Subdivision (a)(1) does not apply to any duly elected member of the county legislative body.

(c) Subdivision (a)(2) does not apply to a person who was a professional bondsman and owned a qualified electronic monitoring provider prior to January 1, 2025.

SECTION 12. Tennessee Code Annotated, Section 40-11-317(a), is amended by deleting the subsection and substituting the following:

(a) In addition to any other qualifications required by law, a person seeking to become a professional bondsman shall file an application for licensure with the board of professional bondsmen. In addition, the applicant shall submit to a criminal history background check by the Tennessee bureau of investigation as provided for under § 38-6-109 and is responsible for any fees associated with the criminal history background check. The Tennessee bureau of investigation shall submit the results of the criminal background check to the clerks of all courts in which the professional bondsman is qualified and to the board.

SECTION 13. Tennessee Code Annotated, Section 40-11-317(c), is amended by deleting the subsection and substituting:

(c)

(1) If a court finds that a bondsman has individually or as a corporation owner been discharged in a bankruptcy proceeding leaving unsatisfied outstanding forfeitures with any court, then the court may order that the bondsman be prohibited from executing bonds, bail, or other undertakings as surety in the court, and must notify the board of professional bondsmen of the finding.

(2) If the board is notified that a bondsman has individually or as a corporation owner been discharged in a bankruptcy proceeding leaving unsatisfied outstanding forfeitures with any court, then the board may suspend or revoke the bondsman's license to practice bail bonding in this state.

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SECTION 14. Tennessee Code Annotated, Section 40-11-319(a), is amended by deleting the language:

shall notify, in writing, within seventy-two (72) hours of the arrest, the court or courts in which the professional bondsman is qualified

and substituting the language:

shall notify the board of professional bondsmen in writing within seventy-two (72) hours of the arrest

SECTION 15. Tennessee Code Annotated, Section 40-11-319(c), is amended by deleting the subsection and substituting the following:

(c) Upon receipt of the notice, the board may proceed in accordance with § 40-11-125 if such action is warranted.

SECTION 16. Tennessee Code Annotated, Section 40-11-319(d), is amended by deleting the subsection and substituting the following:

(d) Failure to comply with this section must result in an automatic suspension of the professional bondsman's bonding privileges until the board conducts a hearing pursuant to § 40-11-125(b), or until the criminal charges against the professional bondsman are resolved.

SECTION 17. Tennessee Code Annotated, Title 40, Chapter 11, Part 3, is amended by adding the following as a new section:

40-11-314.

(a) On or after March 1, 2026, a person shall not operate as a professional bondsman in this state unless the person is licensed by the board of professional bondsmen under this section.

(b)

(1) There is created a state board to be known and designated as the board of professional bondsmen for this state. The board consists of seven (7) members who must possess good moral character, must be residents of this state, and are appointed as follows:

(A) Two (2) members to be appointed by the speaker of the house of representatives, who meet the following qualifications:

(i) One (1) member who is licensed as a professional bondsman; and

(ii) One (1) member who is a circuit court clerk;

(B) Three (3) members to be appointed by the governor, who meet the following qualifications:

(i) One (1) member who is licensed as a professional bondsman;

(ii) One (1) member who is a district attorney general; and

(iii) One (1) member who is a judge with jurisdiction to issue bond; and

(C) Two (2) members to be appointed by the speaker of the senate, who meet the following qualifications:

(i) One (1) member who is licensed as a professional bondsman; and

(ii) One (1) member who is a sheriff.

(2)

(A) Members of the board must be appointed in accordance with subdivision (b)(2)(B). It is the purpose of this section that at least one (1) member shall retire from the board at the end of each year, thereby creating a rotating board.

(B) The members' terms shall be staggered as follows:

(i) The member of the board appointed pursuant to subdivision (b)(1)(A)(i) shall serve an initial term of one (1) year;

(ii) The member of the board appointed pursuant to subdivision (b)(1)(A)(ii) shall serve an initial term of two (2) years;

(iii) The member of the board appointed pursuant to subdivision (b)(1)(B)(i) shall serve an initial term of three (3) years;

(iv) The member of the board appointed pursuant to subdivision (b)(1)(B)(ii) shall serve an initial term of four (4) years;

(v) The member of the board appointed pursuant to subdivision (b)(1)(B)(iii) shall serve an initial term of five (5) years;

(vi) The member of the board appointed pursuant to subdivision (b)(1)(C)(i) shall serve an initial term of six (6) years; and

(vii) The member of the board appointed pursuant to subdivision (b)(1)(C)(ii) shall serve an initial term of seven (7) years.

(C) The appointing authorities shall appoint a new member to the board upon the expiration of the terms prescribed in subdivision (b)(2)(B) and upon the expiration of all subsequent terms. All subsequent terms must be for six (6) years.

(D) A member must not be reappointed for one (1) year after the completion of a term on the board.

(3) Vacancies occurring on the board must be filled in accordance with this section for the balance of the unexpired term.

(c)

(1) The administrative office of the courts shall provide a list of all licensed bondsmen in this state upon the request of the board. The request must be made prior to March 1, 2026.

(2) The board of professional bondsmen, in consultation and cooperation with members of the judiciary in this state, shall promulgate rules for the regulation of professional bondsmen that are reasonably necessary to carry out this chapter, including, but not limited to, rules to:

(A) Implement and administer the licensure program created by this section, including, but not limited to, the establishment of adequate licensure and renewal fees to cover the cost of implementing and administering the licensure program for professional bondsmen;

(B) Establish procedures for handling disciplinary matters involving professional bondsmen licensed under this section and for persons engaged in the unauthorized practice of bail bonding;

(C) Assess civil penalties for violations;

(D) Establish the standards of practice and qualifications for the issuance of a license to be a professional bondsman under this section. The standards and qualifications include, but are not limited to, procedures to require professional bondsmen to submit to criminal history background checks in accordance with §§ 38-6-109 and 55-10-426;

(E) Establish any other procedures deemed necessary by the department for the supervision of professional bondsmen licensed under this section; and

(F) Establish procedures for the approval of the continuing education programs for professional bondsmen, to be administered by an approved third-party contractor under part 4 of this chapter.

(3) The rules must be promulgated in accordance with this chapter and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) A person eighteen (18) years of age or older may apply for a license to operate as a professional bondsman.

(e) An application for licensure as a professional bondsman must be submitted on a form prescribed by the board.

(f) A certificate of licensure expires two (2) years from the date of the licensure or renewal.

(g) A licensed professional bondsman shall list each place of business within this state with reference to its specific location, upon licensure and upon subsequent renewals of the licensure.

(h) Included on each license and renewal form must be a section in which the licensee declares, under penalty of perjury pursuant to § 39-16-702(a)(3), whether the licensee has previously been revoked or convicted of a violation of this chapter. In addition, the applicant shall submit to a criminal history background check by the Tennessee bureau of investigation as provided for under § 38-6-109, and is responsible for any fees associated with the criminal history background check. The Tennessee bureau of investigation shall submit the results of the criminal background check to the board.

(i) A licensee who has been convicted of a violation of this chapter, which resulted in a revocation of their license is prohibited from licensure under this chapter for five (5) years from the date of conviction.

(j) The board shall create and keep up to date a registry that includes, but is not limited to, the approved list of professional bondsmen licensed by the board, the names of all persons licensed as professional bondsmen, and a list of names of persons who have been disciplined by the board in the previous five (5) years for violating this chapter. The board shall post and maintain the registry on the department of commerce and insurance's website.

(k) Notwithstanding another law to the contrary, a license issued pursuant to this section becomes inactive upon notification to the department that the licensee is no longer in business at the licensed location.

(l) The board shall serve as the centralized entity for filing and evaluating complaints against professional bondsmen.

(m) This section does not require a judge to allow a licensed professional bondsman to admit persons to bail in the judge's court. A judge may deny a professional bondsman the privilege of admitting persons to bail in the judge's court regardless of the professional bondsman's licensure status. If a judge denies a licensed professional

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bondsman's request to admit persons to bail in the judge's court, then the judge must provide the bondsman with written notice of the denial and the reasons for such denial.

SECTION 18. Tennessee Code Annotated, Title 40, Chapter 11, Part 3, is amended by adding the following as a new section:

Each licensed professional bondsman shall inform the board in writing of each county in which the licensed professional bondsman has been approved by a judge to admit persons to bail.

SECTION 19. Notwithstanding Sections 40-11-314(b)(1)(A)(i), (b)(1)(B)(i), and (b)(1)(C)(i), for the purpose of establishing the board of professional bondsmen, the appointing entities may initially appoint a bondsman who is approved to make bonds by a court within this state to the positions that must be filled by a licensed professional bondman. After March 1, 2026, the licensing requirements of Sections 40-11-314(b)(1)(A)(i), (b)(1)(B)(i), and (b)(1)(C)(i) apply for any newly appointed member of the board.

SECTION 20. For the purpose of promulgating rules and appointing members to the board, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2026, the public welfare requiring it.

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PASSED: April 21, 2025



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2025



BILL LEE, GOVERNOR