



State of New Jersey
DEPARTMENT OF BANKING AND INSURANCE
LEGISLATIVE AND REGULATORY AFFAIRS

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JON S. CORZINE
Governor

STEVEN M. GOLDMAN
Commissioner

BULLETIN 06-27

TO: ALL PROPERTY AND CASUALTY INSURERS AUTHORIZED TO SELL
BAIL BONDS

FROM: STEVEN M. GOLDMAN, COMMISSIONER

RE: CHANGE IN BAIL FORFEITURE PROCEDURE; NEW JERSEY SUPERIOR
COURT LETTER, DECEMBER 18, 2006

Attached please find a copy of a letter sent by the New Jersey Superior Court Clerk to all persons and entities listed on the New Jersey Bail Registry and other interested parties.

The new procedure described in the letter may have an impact on the sale of bail bonds by New Jersey authorized bail bonds producers. As a consequence, the Department is urging all insurers that issue bail bonds in this State to immediately notify their agents about this change.

Any questions regarding this change in policy and related issues should be directed to the New Jersey Superior Court Clerk's office at 609-292-6439.

12/27/06
Date

/s/ Steven M. Goldman
Steven M. Goldman
Commissioner

WOB06-01/inoord

SUPERIOR COURT OF NEW JERSEY

THEODORE J. FETTER
ACTING CLERK



OFFICE OF THE CLERK
P.O. BOX 971
TRENTON, NEW JERSEY 08625-0971
(609) 292-4987

December 18, 2006

Dear

As you know, the Clerk of Superior Court has the responsibility to monitor the enforcement of bail forfeiture judgments, and when appropriate, the Clerk may remove bail agents, bail agencies, and insurance companies from the Bail Registry in New Jersey. In the course of that work, our office periodically sends out letters addressed to the sureties to notify them of matters they are insuring that are in judgment status and giving them a short amount of time to pay the judgment or produce the fugitive defendant. These letters are known to us as "preclusion notices."

Until now, we have accepted a response to a preclusion notice to the effect that the surety's attorney has filed with the trial court a motion to vacate the forfeiture or judgment, to extend time on the execution of the judgment, to exonerate the surety, and to discharge the bond. The fact that such motions are pending has been enough for us to delay any action in enforcing the judgment. Effective with preclusion notices that are issued on or after January 15, 2007, such a response will no longer be satisfactory. Rather than merely having a motion filed, we will act to enforce a bail forfeiture judgment; in effect we will preclude a surety from doing business in this State, unless the court has ruled on any such motion.

In other words, effective January 15, 2007, an acceptable response to the preclusion notices will be one of the following:

- Proof of payment that the judgment has been paid to the county or municipality;
- A copy of the Order from the court granting a motion to vacate the forfeiture or judgment, to extend time on the execution of the judgment, to exonerate the surety and to discharge the bond;
- Proof that the defendant has been produced; or
- Proof that an appeal has been filed and a supersedeas bond posted.

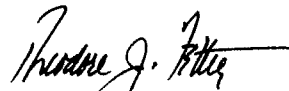
Merely filing a motion or providing a copy of a Consent Order (signed or unsigned) between the attorneys will no longer exempt the surety from responsibility for the

judgment on the bail forfeiture, and removal from the Registry remains a possibility in such a matter.

It is the responsibility of the surety to send checks to the correct names and addresses. There have been occasions that payment has been delayed because it has been sent to an incorrect address, and it takes a good deal of time and effort to follow up. Again, what we will use as an indicator is an effective proof that judgment has effectively been paid to the county or municipality.

Thank you for your cooperation with this change in our expectations. With this advance notice, I anticipate that the system will function more smoothly than it has in the past.

Sincerely yours,



Theodore J. Fetter
Acting Clerk, Superior Court

TJF/bp

c: Bail Judges
Deputy Clerks of Superior Court
Criminal Division Managers
Finance Division Managers
Municipal Court Administrators
County Counsel
Melisa Hager, Deputy Attorney General
William J. O'Bryne, Regulatory Officer,
Dept. of Banking and Insurance