

# LOCAL RULES OF PRACTICE IN THE CRIMINAL COURT HAMILTON COUNTY

ADOPTED JULY 30, 1976

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## I

### SCHEDULE OF TRIALS AND HEARINGS

A. JURY TRIAL SCHEDULE: Jury trials will be held Tuesdays through Fridays as assigned at 9:00 A.M.

B. NON-JURY SCHEDULE: Arraignment and the hearings of Motions, Petitions, and pre-trial pleas filed by 4:00 P.M. on Tuesday will be heard on the second Friday following the filing according to the following schedules:

1. IN THE FIRST DIVISION:

a. ARRAIGNMENT: The hearing of the Arraignment and Arraignment Docket will be held at 8:30 A.M. each Friday; except jail cases set Wednesday @ 9:00 A.M.

b. MOTIONS, ETC.: Motions, etc., will be heard each Monday at 9:00 A.M. or following Arraignment.

c. SUSPENDED SENTENCE: Petitions for Suspension of Sentence will be heard at 9:00 A.M. each Friday or following Arraignment.

d. FORFEITURE OR RELIEF: All matters on forfeiture or relief on bail bonds will be heard on the second Tuesday of each month at 8:30 A.M.

2. IN THE SECOND DIVISION:

a. ARRAIGNMENT: The hearing of the Arraignment and Assignment Docket will be held at 9:00 A.M. each Friday.

b. MOTIONS: Motions, petitions and pleas will be heard each Friday at 9:00 A.M. or following Arraignment.

c. FORFEITURE OR RELIEF: All matters on forfeiture or relief on bail bonds will be heard on the second Tuesday of each month at 8:30 A.M.

3. IN THE THIRD DIVISION:

a. ARRAIGNMENT: The hearing of the Arraignment and Assignment Docket will be held at 9:00 A.M. each Monday; except jail cases are heard Thursday @ 9:00 A.M.

b. MOTIONS AND PRE-TRIAL PLEAS: Pre-trial motions and pleas will be heard each Monday at 9:00 A.M. or following Arraignment with the following exception: Motions of a purely routine nature such as, e.g. discovery motions asking only that which is provided by statute (or other settled law) may be acted on without being placed on the docket for hearing. Orders on such will be subject to seasonable motion to reconsider.

c. SUSPENDED SENTENCE AND PROBATION: Petitions for suspension of sentence and probation, not otherwise specifically set, will be heard at 9:00 A.M. each Friday or following Arraignment.

d. BOND HEARINGS: All matters on forfeiture and relief of sureties, except motions, will be heard on the second Tuesday of each month at 8:30 A.M.

e. NON-JURY ON JURY DAYS: All non-jury matters set specially on jury days will be heard at 9:00 A.M. unless another time is set.

f. OTHER: All matters not scheduled or otherwise specially set will be placed on the Motion Docket (3.b. above) for hearing or reassignment as may be appropriate.

## II

### NEGOTIATIONS AND SETTLEMENTS

If the State and a defendant reach a satisfactory settlement of a case, then the agreement may be presented to the Court on a trial or motion date agreeable to the parties upon sufficient notification to the Clerk.

Negotiations for settlement shall cease thirty (30) days before the trial date and no negotiated settlement will be accepted by the Court after that date without good cause and leave of Court.

## III

### TRIALS AND HEARINGS AND ATTENDANCE AT SAME

A. HEARINGS IN OPEN COURT: Except for informal and purely routine matters, all hearings will be had in open Court including motions for continuance.

B. HEARINGS TO BE ON WRITTEN MOTION OR PLEA: Except as provided herein or otherwise required, all matters will be heard on written motion, petition, or plea, of the moving party (or the party who otherwise invokes the jurisdiction of the Court) and responsive pleading of adverse parties when required.

C. HEARINGS ON ORAL MOTION: While these rules contemplate that all matters

will be heard on written motion or plea, because of the length of time between the deadline for filing motions and the time for hearing same, oral motions may be entertained on matters of urgency and upon adequate notice to adverse or affected parties. Such motions must be made in open Court and should be made immediately after the opening of Court for the day; however, same will be entertained at other times if necessary and when possible, but not ex parte in chambers. Motions after Court has adjourned for the day should particularly be avoided.

D. ATTENDANCE: Parties will be in attendance in person or by attorney at all scheduled hearings. Defendants will attend Court in person as necessity indicates including, but not limited to, arraignment, trial, judgment, and motion for new trial. A defendant must attend the hearing of his motion for continuance unless excused. Defendants on Bond may attend pre-trial motions at their option. Defendants in custody will be brought into Court for all hearings. Attorneys will attend Court on jury days for the calling of the Docket unless excused or unavoidably hindered. Attorneys will attend at Arraignment and Motion Dockets as promptly as possible compatible with their needs to attend other Courts during the same period of time.

E. DRAWN JURY: In all cases in which a Drawn Jury is requested and allowed, the attorney for the defendant will notify the Clerk five days in advance of the day assigned for trial in order that Court will not be delayed while the scrolls are being prepared.

#### IV

#### WITNESSES

A. WITNESSES FOR GRAND JURY: The Clerk will issue subpoenas for witnesses listed on the indictments to appear and give testimony on behalf of the State at the session to which such cases are assigned. If other and further witnesses are desired by the State, the District Attorney General will write a letter to the Clerk giving the names and addresses of the witnesses requested. No witness may be summoned from out of State, or at an unusual distance except by order of the Court approving such subpoena and the expense incident thereto.

B. WITNESS FOR TRIAL: The subpoena for any witness, whether for the State or defendant, shall be issued at least fifteen days prior to the date of the trial. The Sheriff shall make the return on said subpoena not less than five days before the trial date.

C. WITNESS RULE: When the rule is invoked in the trial of any case, the witnesses who have testified in such case shall, unless excused and allowed to leave the Court, be seated in the Courtroom or at some other place than that where the remaining witnesses are under the rule; and the witnesses who have testified and those who have not testified shall not communicate one with the other until all have testified. The officers of the Court shall so notify all witnesses, and the attorneys involved shall cooperate to the end that all have notice of this rule. Any violation of this rule will be considered as contempt of Court and punishable accordingly.

#### V

## **COURTROOM AND CONDUCT IN COURT**

A. **SPACE WITHIN BAR RESERVED:** The space within the bar shall, at all times, be reserved for members of the bar, officers attending Court, the Clerk, the witness in the witness box, and such persons as are designated by the State's Attorney and Defendant's Attorney as being necessary aides in the prosecution or defense of the case, and who shall be seated at the respective tables of the State and the Defendant.

B. **JURY BOX:** In no case shall any person, other than officers in charge of the jury and attorneys when presenting or arguing a case, be allowed to stand, walk or be seated in the immediate vicinity of the jury box or the jury room while a case is pending before a jury occupying the same. The Court officers shall strictly enforce this rule, and it shall be the duty of the Clerk and the attorneys involved to cooperate in such enforcement. During the trial of a case, no person other than parties to the case may be permitted to walk between Counsel table and the bench occupied by the trial Judge, and the Court officers are particularly cautioned to enforce this rule.

C. SPECTATORS TO BE SEATED IN COURT ROOM: All persons within the Court room when Court is in session and not in recess shall be seated, and unless coming within the exceptions stated in Section A, shall be seated outside of the bar and in the space reserved for spectators. In cases where, because of interest in the case being tried, insufficient seats are provided for those desiring to hear the case, a limited number, within the discretion of the Court, may be allowed to stand in that part of the Court room where spectators are allowed; but they shall be kept back of the aisle in front of the seats and running from the door of the Court room; and no person, except the attorneys engaged, the Court officers, Clerk and such as may be necessary to the conduct of the trial of the case, shall stand within the bar or in the aisle back of the bar.

D. NO SMOKING IN THE COURT ROOM: No person shall smoke or keep any cigarette, pipe, cigar or other smoking implement in his or her mouth in the Court room. Such conduct when persisted in after warning, shall be a contempt of Court. Officers shall be alert to enforce this rule.

E. FOOD AND DRINK DISALLOWED: No person, whether Court is in session or in recess, shall eat any food or drink any soft drink or beverage in the Court room, and no foods or beverages shall be brought into the Court room. Officers shall be alert to stop any entrance with such food or beverage, and if, after warning, any person persists in violation of this rule, he or she shall be held in contempt of Court.

F. NEWSPAPERS, MAGAZINES, BOOKS: The Court room being for the accommodation of those who are interested in the trial of the cases being heard, no person shall, within the Court room, while Court is in session, read any newspaper, magazine or book, except as the same may be read by attorneys or witnesses in the proper presentation of the case being tried. Any spectator having any such newspaper, magazine or book, shall keep the same folded during all times when the Court is in session. If any juror who is called into the jury box and accepted for any trial shall have any such newspaper, book or magazine, the officer in charge shall take the same until the completion of the trial, and shall return the same to the juror.

G. PHOTOGRAPHERS: No photographs shall be taken in the Court room while Court is in session.

H. CHILDREN IN COURT: Small children will not be brought into Court except when it is unavoidable. Attorneys are directed to apprise their clients and witnesses of this rule.

I. STAND WHEN ADDRESSING COURT: All persons will stand when addressing the Court except those who are physically handicapped or otherwise incapacitated and except attorneys voicing an objection when there is insufficient time to rise.

J. COURT ROOM CONDITION: The officers of the Court, and particularly the officer appointed by the Court, shall inspect the Court room each morning before the opening of Court to the end that the same may be in proper condition; that the jury room shall be properly provided with drinking water, towels and soap, and have any improper conditions remedied by the janitors of the Court House. Such officers shall, at the close of Court, see that the Court room is left in proper condition and that windows are closed by the janitors and any needed repairs reported to the custodian of the Court House. The Court Officer, assisted by the officer appointed by the Sheriff, shall be in general charge of the Court room, the conduct of persons therein and the general operation of the Court room.

## VI

### ATTORNEYS

A. **CONDUCT:** Attorneys will be required to conform to, follow, and obey the canons of professional ethics adopted in Tennessee and, as officers of the Court, to set an example of proper conduct for litigants, witnesses and other attendees in Court.

B. **BECOMING OF RECORD:** An attorney will become of record upon appearance for a defendant in open Court, unless he announces he is appearing for a special purpose only, or upon the filing of any pleading, unless same shows a special limited appearance.

C. **WITHDRAWAL OF ATTORNEY:** An attorney of record can withdraw from a case only by leave of Court had in open Court upon written motion or petition. Such motion or petition will be heard at the regular motion docket as provided by these rules, and it will be the duty of the petitioning attorney to notify the defendant and his bondsman that the defendant is required to be present in Court for the hearing and the clerk will notify the surety to have the defendant present. The attorney will append a certificate to his motion or petition setting out the day and time he has notified the defendant to be present and the method used. Application to withdraw must be made as soon as the grounds become apparent.

D. **APPOINTMENT FOR INDIGENTS:** All attorneys licensed to practice in the State of Tennessee and holding themselves out to practice in Hamilton County are subject to appointment for indigent defendants and petitioners. Appointments may be made in open Court or at chambers following determination of indigence. Indigence will be determined by examination of the defendant in open Court, where he may be subject to cross examination by the District Attorney General, and by such proof as is offered. If an attorney appointed has good cause to believe the party is not in fact indigent, he may petition to withdraw from the case on that ground.

E. **COMPENSATION OF APPOINTED ATTORNEYS:** At the conclusion of the case or completion of his duties in the trial Court, the appointed attorney may apply to the Court for an award of a fee as provided by statute and rules of the Supreme Court. Such application will be acted on without a hearing unless a request is made for a hearing.

## VII

### FILING AND SERVICE OF PLEADINGS AND MOTIONS

A. **WRITING AND PAPER REQUIRED:** All pleadings and motions must be typewritten, double spaced, in black ink, upon regular legal paper, fourteen inches long and eight and one-half inches wide, having a blank margin on the left side of every page.

B. **COPIES REQUIRED AND SERVICE:** An original of all pleadings and motions together with one additional copy for every adverse or affected party will be submitted to the clerk who will file same and forward a copy to every party adverse or affected thereby.

C. **SINGLE SUBJECT MATTER:** A separate motion for each particular relief sought will be filed. Omnibus motions are unacceptable and may be stricken without a hearing. If an omnibus motion is filed, the clerk will notify the judge as soon as possible after its filing in order that he may take appropriate action.

D. **TITLE:** Motions, petitions, and other pleadings will bear a brief title descriptive of or suggesting content. The clerk will then use this title for listing such motions on the judges' dockets.

E. **GROUND'S STATED:** All motions and other pleas seeking relief shall have the grounds therefor stated in the motion or pleading unless same is self evident.

F. **PRE-TRIAL PLEAS AND MOTIONS:** All pleas and motions that require hearing before trial, must be filed in ample time to be heard on a regular Motion day prior to the trial date assigned.

G. **INSANITY PLEA:** Pleas of not guilty by reason of insanity must be filed at least ten (10) days prior to the date the case is assigned for trial.

## **VIII**

### **PREPARATION AND DISSEMINATION OF ORDERS**

A. **WHO PREPARES:** Judgments, Orders and Decrees will be prepared by the Judge, or the Clerk under the direction and instructions of the Judge, unless a party requests and is granted leave or, because of unusual circumstances, is directed by the Court to prepare same.

B. **PROCEDURE WHEN PREPARED BY COUNSEL:** When Orders and Judgments are to be drafted by counsel, same shall be immediately prepared, in the same style as for pleadings, by the attorney for the successful party unless another is designated by the Court. A space will be provided immediately under the body of the Order to the right of the center of the page for the Judge's signature, and immediately under that space and at the left margin a space will be provided for the attorney who prepared the Order and a space directly thereunder for signature of other parties or counsel. The attorney who prepares the Order will sign same, then present it to the other party or parties for approval as being an accurate statement of the Findings, Judgments or Orders of the Court as pronounced. If any party fails to agree that the draft accurately states the Order as pronounced, and to so endorse it, the attorney who prepared same will note on the Order that it has been presented and designate the party who refuses to sign same and the refusing party will submit his own draft to the Judge for consideration and the Judge will then choose between (or from among) the drafts or will himself prepare the Order for entry. Each attorney preparing a draft of an Order will submit the original with a copy for each adverse party.

C. **DISSEMINATION:** When Judgments and Orders not pronounced in open Court are prepared by the Judge and delivered to the Clerk for entry, or when Judgments and Orders prepared by counsel in accordance with Section B above are filed unapproved by some party affected thereby, it will be the duty of the Clerk to notify all parties affected by the Order or Judgment, who do not already clearly have notice, by furnishing a copy or by equivalent means. Such notification will also be given to all parties, officers, or persons (e.g. Sheriff, attorney, probation supervisor, court reporter) directed in the Order or whose duty it is to execute the Order or Judgment or any portion thereof.

## **IX**

### **APPEAL AND BILL OF EXCEPTIONS**

A. **PRAYING AND GRANTING OF APPEAL:** When a motion for a new trial is

overruled and Judgment has been pronounced and entered, the Judgment will then be executed unless an appeal is immediately prayed and granted. If an appeal is prayed and granted, the Court will, at that time, fix a time in which to file a Bill of Exceptions. Extensions (when allowed by law) will be granted on ex parte application.

B. OBTAINING TRANSCRIPT FOR BILL OF EXCEPTIONS: It will be the duty of the attorney for an indigent appellant to prepare and present an Order providing therein that the transcript be prepared by the official Court reporter to be paid for by the State out of funds appropriated for this purpose, and in the Order to specify the portions of the trial and other proceedings required for his Bill of Exceptions. Non-indigent defendants will contract with a Court reporter who may charge the customary local rate for same. Arrangements must be made with the Court reporter before applying for extension of time.

C. APPROVAL BY APPELLANT AND APPELLEE AND AUTHENTICATION BY JUDGE AND FILING: It being the policy of the Appellate Courts of Tennessee and of this Court to expedite appeals of criminal cases, the following procedure will be followed in perfecting the appeal: When the transcript is delivered to the attorney for the appellant, it will be his duty to approve it as soon as possible and to present it to the judge for authentication no later than half the time remaining for filing same. It will be his duty first to present it to the adverse party for his approval, then to the Judge for authentication and after securing same to deliver it to the clerk for filing or to see that it has been delivered to the clerk for filing. The less stringent procedure provided in T.C.A. § 27-110 of filing with the Clerk on the certification of the Court reporter and approval of the appellant will be followed only if there is insufficient time remaining for the above procedure. It will be the duty of the attorney for the appellant will be followed only if there is insufficient time remaining for the above procedure. It will be the duty of the attorney for the appellant to keep up with the time and to secure an extension of time when required and if same can be had under the law. Same will be done on ex parte application by submitting a favorable Order to the Judge for signature.

D. ORIGINAL TO BE USED: The clerk in preparing the record for transmittal to the Appellate Court will use the original Bill of Exceptions and not copy same.

E. ABANDONMENT OR DISMISSAL: In the event the defendant wishes to abandon his appeal, after same is prayed and granted and before it is perfected, it will be the duty of his attorney of record to file a written Waiver of Appeal in sufficient time that the defendant can be brought into court and examined on same to determine his understanding and its voluntariness, before the time expires.

**Compiler's Notes.** Section 27-110, referred to in C., is now § 28-1-109.

## X ALLOCATION OF CASES

A. APPORTIONING INDICTMENTS: Indictments and Presentments will be apportioned and allocated among the three Divisions of the Court according to the following formula to be administered by the Clerk of the Court.

Immediately after each report of the Grand Jury all indictments and presentments will be arranged in alphabetical order according to the name of the defendant or in the case of multiple

defendants jointly indicted according to the name of the first named defendant. The cases will then be entered into the "Grand Jury Reporting" computer program. After entry the cases will be apportioned and allocated among the three Divisions of the Court by a specially designed computer program.

After entry into computer and automated numbering, all indictments for the same defendant will be grouped with the lowest numbered case for that defendant and for purposes of allocation the group will thereafter be treated as a single case. If two or more indictments are returned charging different defendants with the same offense or with offenses growing out of the same transaction, the higher numbered case or cases will be grouped with the lowest numbered case and the group thereafter will be treated as a single case for the purpose of allocation.

B. NON-JURY AND APPEAL CASES: The Judges of the three Divisions will share equally the responsibility of hearing non-jury and appeal cases except matters that have been presented to a Judge for issuance of extraordinary process in which case that Judge will hear and determine that case. All other non-jury and appeal cases not otherwise provided for in these rules or by law will be docketed by the Clerk in the order in which they are received and filed and an allocation made weekly with each Judge getting every third case. In the event of multiple cases for a single defendant, all cases as to that defendant will be treated as a single case for purposes of allocation.

C. PREPARATION OF LISTING OF CASES AND ARRAIGNMENT DOCKETS: A listing of all new indictments assigned in each division will be made following the allocation and assignment, and an arraignment docket will be prepared for each division for all cases thus assigned after the Grand Jury report plus all cases made current by apprehension of the defendant or otherwise restored to the docket, and all cases continued or specially set, and all non-jury and appeal cases not otherwise set.

D. WAIVER OF GRAND JURY: In misdemeanor cases where the defendant desires to waive indictment and trial by jury under the provisions of Chapter 868 of the Private Acts 1937, the defendant will present a written motion to the Judge, and upon the granting of the motion, the case will be scheduled for hearing by the presiding Judge.

## **XI GRAND JURY**

A. JURISDICTION: Each Judge will have exclusive jurisdiction during his term over all cases pending before the Grand Jury, and such jurisdiction continues until such time as cases are assigned to one of the three Divisions of Criminal Court.

The Judge of each Division will have jurisdiction over and responsibility for the Grand Jury for a period of four (4) months each year.

B. EMPANELING: Two Grand Juries, a regular jury, and a concurrent jury will be empaneled on a date selected by the Judges presiding over the juries, to serve for a period of four (4) months unless earlier discharged.

C. SESSIONS: The first session of each Grand Jury will begin on the day it is empaneled, and continue until the work assigned is completed and report to the Court made. Thereafter, it will convene at least one day each week, as designated by the Court, and continue in session until the work assigned is completed and until report is made to the Court.

D. SCHEDULING: Cases will be scheduled by the Clerk, under such direction and supervision of the Judge as he may care to exercise, within two weeks when possible but in any event at the earliest possible date after the bound-over warrant is received in the Clerk's office. Priority will be given to jail cases.

E. WITNESSES: Witnesses whose names are listed on the warrants in bound-over cases, together with the prosecutor shown on the warrant, will be summoned by the Clerk to appear at the session to which such case is assigned; but the Clerk will not issue subpoenas for any other witnesses except on signed written request of the District Attorney General, or by the foreman of the Grand Jury or by the Jury, or by Order of the Court.

When the Grand Jury desires the attendance of witnesses for inquiry into any matter within its province, the same will be made known to the Clerk by written request signed by the Foreman or by the entire Grand Jury, and the Clerk will issue subpoenas for such witnesses to appear at the designated time. Such request must list the names of the witnesses and their addresses, and may state the matter into which such inquiry is to be made, or may state that the witnesses are to be summoned for General Information; but no witnesses may be summoned from out of State, or at an unusual distance except by Order of the Court approving such subpoena and the expense incident thereto.

## XII

### BAIL BONDS, FORFEITURES AND RELIEF

A. When a preliminary forfeiture is taken on a bail bond, and when scire facias has been issued and served upon the parties, or any party thereto, including the defendant and the sureties, unless such parties shall waive hearing thereon and allow the final forfeiture to be by default, such principal and sureties shall, within the time allowed by law for pleading, file such pleading as is proper to present whatever defense which shall be advanced, showing why final forfeiture should not be taken or stating grounds for any relief which may be prayed. When such pleading is filed, such hearing for final judgment or for relief will be assigned to the Bond Docket on the second Tuesday of the following month. If no pleading is filed, or if filed and not presented at the regular time for hearing, such forfeiture shall be entered as by default. All matters on forfeiture or relief on bail bonds shall be heard in open Court on the last Motion day of the month.

B. When a professional bonding company obtains relief on a forfeited bond by the Court entering an order relieving the surety of further liability upon their [its] paying a judgment plus costs, the said bondsman will make payment of said judgment and costs within thirty (30) days from the date of such order.

In the event the bondsman fails to make the payment required, within the time prescribed, the judgment of forfeiture or final judgment heretofore entered against the said bondsman will remain in full force and effect, and the Clerk will proceed against the said bonding company in the manner prescribed by law in such matters. The Clerk will also remove the said bonding company's name from the list of qualified bondsmen.

C. No bondsman or bonding company shall be accepted by the Court who has conditional forfeitures against him or it, in an amount equal to or exceeding the amount or his or its qualification; nor will any bondsman or bonding company be accepted by this Court who has

a final forfeiture bond outstanding against him in any amount, after the term in which such final forfeiture is taken is closed, unless settlement of the forfeiture has been made by the surrendering of the defendant in Court or the payment of the final judgment rendered by the Court on said bond, except that in the discretion of the Court such settlement may be continued from time to time for good cause shown.

D. No individual, professional bondsman, or bonding company is authorized to sign appearance bonds for Criminal Court, exceeding the qualification of said individual, bondsman or bonding company, for any one defendant.

E. The Clerk of the Court will notify the Judges in the event any of the professional bondsmen fail to make the semi-annual report as directed by T.C.A. § 40-1403.

F. Any person or persons, other than professional bondsmen, who desire to qualify to sign a bond or bonds for a defendant's appearance in Criminal Court must meet the following requirements:

1. The property (real estate) to be used as collateral must be free and unencumbered by any lien, mortgage or liability whatever.
2. The value of the property must equal one and one-half times the amount of the bond.
3. All parties to the deed of ownership of such property, being used as collateral, must sign both the bond qualification form and the appearance bond. (Both man and wife). The qualification form must be signed in the presence of the Clerk of the Court, his deputy or other person qualified to administer oaths.

G. In the event anyone desires to make a cash deposit in lieu of bail, for an individual's appearance before the Criminal Courts, the official or his deputy accepting the cash deposit shall follow the procedure outlined below:

1. The person making the cash deposit shall be informed that the monies so deposited in lieu of bail becomes the property of the defendant, and is subject to any fines and costs that might be levied against the said defendant.
2. At the time the cash deposit is made, a bound-over bond form shall be marked CASH BOND and executed by the defendant placing his signature and address thereon and the official or his deputy accepting the cash deposit shall ascertain the name and address of the person making the deposit and shall inscribe same on the bond form. The bond form so executed shall accompany the cash deposit when submitted to the Criminal Court Clerk.
3. Personal checks shall not be accepted as a cash deposit in lieu of bail.

**Compiler's Notes.** The bracketed word in B. was inserted by the computer.

Section 40-1403, referred to in E., is now § 40-11-303.

### **XIII**

#### **ARTICLES OF EVIDENCE**

A. All property of any kind or nature, used or to be used on behalf of the State as evidence in the trial of criminal cases, will be kept and maintained under the supervision and control of the District Attorney General.

B. As soon as possible after a defendant has been bound to the Grand Jury, all such property except as noted hereinafter will be delivered on a receipt system to the office of the District Attorney General for safe keeping, use as evidence and, at the direction of the Court, for final disposition.

C. If such property shall be deemed by the District Attorney General to be too bulky or in too large a quantity for custody or storage by him, he will direct the policing agency involved to furnish him a list of such property, along with a complete description thereof, and said policing agency will thereafter be responsible for the storage, custody and production of such property in Court upon trial of the case.

## **XIV**

### **COURT FILES**

A. All papers and records of the Court shall, at all times, be under the custody and control of the Clerk, who will be responsible for their safekeeping; and no person except the Clerk and his deputies will be allowed access to the files in which records are kept, or allowed to remove any record there from.

B. No files shall be withdrawn from the Clerk's office to be taken to the Court room, by any one but the Judges of the Court, the Clerk or his deputies, or by attorneys upon permission of the Clerk.

C. No files shall be withdrawn from the Clerk's office by attorneys without first obtaining written permission of the Court and furnishing the Clerk with a receipt therefore.

D. The District Attorney General and his assistants will be permitted to withdraw case files from the Clerk's office upon receiving the Clerk's permission and upon furnishing the Clerk with a receipt for each file so removed.

## **XV**

### **TAXING COSTS IN CASES OF MULTIPLE DEFENDANTS**

In accordance with TCA § 40-28-401 in cases wherein two or more defendants are jointly indicted and judgment against defendants is entered by the Court on different dates and judgments involve the payment of costs of the case, the Clerk of the Court is authorized to tax the costs in the case in the same manner as if the defendants were indicted individually.

**Compiler's Notes.** The reference to § 40-3326 has been changed to § 40-28-401.

## **XVI**

### **NEWS MEDIA COVERAGE**

**A. Audio — Video — Photographic Equipment.**

1. There will be permitted one television camera in a ceiling-mounted stationary location in each courtroom. The design of the facility shall be subject to the approval of the trial judge. Provisions may be made therein for equipment with audio, still photography, and electronic recording capability. All facilities and equipment will be designed, and all activities conducted, so that those in the courtroom will be unaware of the operations.

a. The video recording will be done with available light and without any movement of camera and/or operator, other than necessary and incidental re-loading and/or similar technical maintenance of an ongoing recording. The audio recording will be done in such a manner that any receiving devices are unobtrusive and there are no wires in any way interfering with court proceedings. The trial judge shall approve the placement of all microphones and wires.

b. The audio and video system shall be controlled from a mobile van, or similar facility, located outside the building. The operator will at all times be alert to the trial judge's rulings with respect to the suspension of the operation of both the video and/or the audio system as provided herein. The trial judge will have a control to cut off the system if he deems it necessary.

2. Upon request, communicated through the bailiff, the trial judge may allow wireless audio recording devices to be operated in the courtroom if they are not bulky, obtrusive, or noisy. The operator of any such recording device may sit at any place in the courtroom approved by the trial judge but shall not move from place to place except during recesses. All recording devices must be carried upon the person of the operator and under no circumstances shall be left unattended in any location.

3. No other television, camera, video, audio, electronic recording, and/or photographic equipment or devices will be permitted on the third floor (except within the confines of, and accesses to, the District Attorney's office) at any time during any judicial proceeding. A trial judge may authorize specific exception for investitive or ceremonial events.

4. The three local affiliates of national broadcasting systems will pool the video and audio reception and distribute it without editing to themselves and any other media or persons the trial judge authorizes. The video system must be accessible to news media from outside the Chattanooga area when requested. The audio signal must be available to radio stations. All media persons who desire video or audio recordings of trials may apply to the trial judge for authorization to have access to the video and audio recordings by the single camera and single audio system provided by this Rule.

5. This Rule in no way affects the presence of any and all media persons who wish to attend and record the proceedings by writing, diagram or artistic rendition upon paper of reasonable dimension.

**B. Notice, Consent, Limitations.**

6. In all criminal proceedings, there will be no photographing, recording or broadcasting by television or radio unless all accused persons shall have affirmatively given their written consent thereto.

7. The trial judge shall notify witnesses, parties and attorneys to a proceeding that is being photographed, recorded, or broadcast that they have a right to object to the media

coverage. The judge shall immediately suspend or stop any photographing, recording or broadcasting by television or radio at any time that any witness who is preparing to testify, the parent or guardian of any witness who is a minor, or a party or attorney expressly objects to the photographing, recording or broadcasting by television or radio. Objections by an attorney or party will suspend all further media broadcasts, photographs or recordings. Objections by a witness will suspend media broadcasts, photographs or recordings as to that person only.

8. No juror or prospective juror will be photographed by the video camera or recorded upon the audio system. No juror will be photographed, interviewed or in any way recorded or contacted at any place, in or out of the Court, prior to the conclusion of the trial.

9. There shall be no audio pickup or broadcast of conferences which occur in a court facility between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge held at the bench or of proceedings held in camera.

10. The trial judge shall immediately suspend or stop any photographing, recording or broadcast as set forth in this Rule whenever in his discretion the proceedings appear in immediate danger of becoming prejudicial.

**C. Other Provisions.**

11. Interviews of parties, attorneys, witnesses and other participants may not be conducted on the third floor. However, members of the media may contact such persons and request such interviews to be conducted elsewhere, provided that public use of passageways, halls, stairs, and elevators does not become impaired.

12. This Rule does not apply to the use of electronic or photographic means or equipment used in the presentation of evidence, the perpetuation of a record, or other purposes of judicial administration.

13. The provisions of Supreme Court Rule 10, Canon 3A(7) apply hereto. Members of the media covering proceedings in Criminal Court shall familiarize themselves with and abide by the Media Guidelines as set out therein.

14. The provisions of Supreme Court Rule 30 apply hereto:

**Discretion of Presiding Judge.** The presiding judge has the discretion to refuse, limit, terminate, or temporarily suspend media coverage of an entire case or portions thereof, in order to: i) control the conduct of the proceedings before the Court; ii) maintain decorum and prevent distractions; iii) guarantee the safety of any party, witness, or juror; and iv) ensure the fair administration of justice in the pending cause. The presiding judge

shall enter written findings of fact after an evidentiary hearing detailing the substantial evidence required to support his or her order under this section.

15. The foregoing provisions apply to all trials, hearings, and other judicial proceedings, including recesses, in each Division of the Criminal Court in the proposed Courts Building. The provisions also apply to the present Justice Building to the extent that they are physically feasible, subject to such ad hoc modifications as the trial judge may deem appropriate.

16. This Rule shall take effect upon its approval by the Supreme Court of Tennessee.  
[Adopted January 3, 1990, approved by Supreme Court March 2, 1990.]

## **BONDING COMPANY RULES AND REGULATIONS**

### **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.