# LOCAL BONDING RULES OF PRACTICE

EFFECTIVE OCTOBER 1, 2026

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FOR THE
CRIMINAL COURT
OF THE THIRTEENTH JUDICIAL DISTRICT
CLAY COUNTY, CUMBERLAND COUNTY, DEKALB COUNTY,
OVERTON COUNTY, PICKETT COUNTY, PUTNAM COUNTY,
WHITE COUNTY OF TENNESSEE

IT IS HEREBY ORDERED that the following bonding rules will be observed in the conduct of business of the Criminal Courts of the Thirteenth Judicial District including Clay, Cumberland, DeKalb, Overton, Pickett, Putnam and White Counties of Tennessee, the same to be spread upon the minutes of each county of the Thirteenth Judicial District.

JUDGE GARY S. MCKENZIE
CRIMINAL COURT, PART I
429 EAST HUDGENS STREET
COOKEVILLE, TN 38501

JUDGE WESLEY THOMAS BRAY
CRIMINAL COURT, DIVISION II
321 EAST SPRING STREET
SUITE 305
COOKEVILLE, TN 38501

JUDGE SHAWN C. FRY
CRIMINAL COURT, PART III
429 EAST HUDGENS STREET
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# RULE 1

## APPLICABILITY, SUSPENSION AND DEFINITIONS

1.01 Former Rules Abrogated

All former bonding rules of local practice of the Criminal Court except as readopted herein are abrogated. All laws of the Tennessee Code Annotated (T.C.A.) are incorporated and made a part hereof. All laws of the T.C.A. requiring Bonding Companies or their agents to make official report to the Tennessee Board of Professional Bondsmen, shall copy the Thirteenth Judicial District Criminal Court on all such reports.

1.02 Applicability

Each rule is applicable in the Criminal Court regardless of which Division is hearing the case.

1.03 Suspension of Rules

Whenever the Court determines that justice requires it, any of these rules may be suspended, unless the suspension would violate a statutory provision of Tennessee law.

1.04 Definitions

The following definitions and abbreviations apply to terms used in these rules:

(1) Clerk: The Circuit Court Clerk or the respective designee.

(2) Tn.R.Crim.P.: Tennessee Rules of Criminal Procedure.

(3) L.B.R.P.: Local Bonding Rules of Practice for the Thirteenth Judicial District.

# RULE 2

## BONDS

2.01 Bonds

Unless otherwise provided by statute, all persons charged with a criminal offense shall be required to post an appearance bond.

Appearance bonds may be posted in cash or by surety. If by surety, the sheriff or his designated representative in each county is authorized to approve any bond posted by the signature of two (2) property owners of the county in which the offense is alleged to have occurred, if the amount of the bond is Ten Thousand ($10,000.00) Dollars or less.

Any other property bond posted will only be approved after there has been filed with the respective Court a deed of trust for the subject property to the Clerk, a title opinion certifying the property is free of encumbrances, and verification the property is valued at least one and one-half (1-1/2) times the amount of the bail.

No other surety bond will be approved unless posted by an authorized bonding entity pursuant to these rules.

If a defendant posts a bond in a jurisdiction outside of the Thirteenth Judicial District, the defendant shall comply with these rules within seven (7) days after the defendant's first appearance in court.

# RULE 3
# BONDING COMPANIES

## 3.01 Applications

Any individual, partnership, corporation, joint venture, or other business organization that desires to become a professional bail bond maker, hereinafter referred to as bonding entity, must file an application and receive approval of the Criminal Court.

Applications to make professional bonds shall be by petition on forms supplied by the Criminal Court. The petition shall be filed in the County where the entity will have its district office and a stamped filed copy submitted to the Criminal Court Judge for approval.

The petition shall list a business address within the Thirteenth Judicial District where the bonding entity will conduct business. This address cannot be in a residence.

No individual, partnership, corporation, joint venture, or other business organization shall be either a principal or an agent for more than one bonding entity. Unless the entity is a sole proprietorship, all entities must engage an attorney to facilitate their petitions in this district.

Petitioner must provide the following:

1. A copy of the current business license issued for the bonding company from the county where the district office is located;
2. An affidavit identifying each owner, partner, shareholder, agent, representative, employee, or person having a financial or managerial interest in the bonding company which clearly outlines each individual's role in said bonding company. Information shall include full name, address, date of birth, and contact information;
3. Petitioner shall submit a copy of all organizational documents (e.g. corporate charter, partnership agreement) and all other agreements or documents pertaining to the identity of the owners and interest holders in said company, the distribution of profits from said company, the source of all funds used to establish the company, and the names of those persons who will personally be liable for forfeiture judgments.
4. Petitioner shall submit their company's and all agents' (included in the petition) Tennessee Professional Bonding Licenses issued by the State of Tennessee. No petition shall be considered until the petitioner, and all proposed agents have first obtained current licenses from the Tennessee Board of Professional Bondsmen pursuant to

T.C.A. § 40-11-321 and the Board's rules. Proof of current Board Licensure for the entity and every agent listed in the petition shall be attached. Board licensure alone does not confer authority to write bonds in this District; local approval under these Rules remains required.

5. Petition shall provide and swear under oath via affidavit:
   a. Has the petitioner, owner, agent, representative or employee, either individually or as a corporation owner, been discharged in bankruptcy proceeding leaving unsatisfied outstanding forfeitures with any court? If so, list.
   b. Has the petitioner, owner, agent, representative or employee received any type of disciplinary action (suspension or termination) in any jurisdiction? If so, list.
   c. List all pending civil litigation seeking monetary damages or injunctive relief filed against the petitioner or owner. List all final civil judgments filed against the petitioner or owner.
6. Petitioner shall attach a sworn statement under oath and penalty of perjury for all persons identified in Section 2 above which includes:
   a. All relations to any other owner, interest holder or agent of a bail bond company authorized to do business in the Thirteenth Judicial District;
   b. All prior ownership interests or employment relationships the petitioner has had with a bail bond company authorized to do business in the Thirteenth Judicial District;
   c. All relationships the petitioner, owners, agents, representatives or employees have by blood or marriage to any person employed by the Circuit Court Clerk, Sheriff's Department, Judge, or Magistrate of the Thirteenth Judicial District, attorney, or other person with the power to arrest or having anything to do with the control of federal or state prisoners; and,
   d. A statement that the petitioners, owners, agents, representatives or employees have read and are aware of the requirements of T.C.A. § 40-11-301, et seq., and §40-11-401, et seq., pertaining to the rules governing professional bonds persons and requirements for continuing education.

e. A statement that the petitioners, owners, agents, representatives or employees have read and are aware of the requirements and rules included in the most current Local Bonding Rules of Practice for the Thirteenth Judicial District, State of Tennessee.

7. Petitioner shall submit proof that the owner(s) possesses two (2) years of experience with a professional bonding company in good standing as required by T.C.A. § 40-11-317 (full-time qualified agent experience writing bail in Tennessee.)

Pursuant to T.C.A. § 40-11-321 all agents must be licensed through the board of professional bondsmen. No agent shall be authorized to write until current license is received and confirmed from the State of Tennessee Board of Professional Bondsmen and their name added to the list of agents in the county or counties they petitioned to write in within the 13th Judicial District.

Pursuant to T.C.A. § 40-11-321(m) the Tennessee Board of Professional Bondmen's issuance of a license does not require a judge to allow that licensed bondsman to admit persons to bail in his or her court.

Pursuant to T.C.A. § 40-11-405 Nothing in this part shall be construed as altering or infringing upon the right of the trial judge to approve (or remove) bondsmen who are licensed under this part. An appeal from a trial judge's failure to approve a licensed bondsman shall be taken as provided by law.

All petitions shall designate the security and method and manner of pledging the security which the bonding entity proposes to secure its bonds with the Court. The Court will approve cash, certificates of deposit, or letters of credit. The minimum amount of cash, certificates of deposit, or letters of credit pledged shall be $50,000.00. A bonding entity may also be approved upon proof of authority and licensing by a Limited Insurance Producer.

In the event the proposed security is in the form of a certificate of deposit, each such certificate shall be in the joint names of the Clerk of the county of the entity's principal place of business and the bonding applicant.

All security pledged shall be unencumbered.

Should the Court withhold, withdraw or suspend a company or agent for violations of these rules, state law or any other offense, the Court shall notify the company and/or agent in writing of the action taken. If, within thirty (30) days after notice, as computed by Tennessee Rules of

Criminal Procedure, Rule 45, the company and/or agent files written answer denying the events or setting forth extenuating circumstances, the Court shall call a hearing within a reasonable time for the purpose of taking testimony and evidence on any issues of fact made by the charges and answer.

3.01(a) Decorum and Candor

In all actions taken by the companies and agents authorized to write bonds in the Thirteenth (13th) Judicial District, the Courts expect candor, truthfulness, responsiveness and professionalism at all times whether dealing with the Court, staff, jail, clerks or defendants.

3.02 Approved Companies

The approved petition, along with the Court's order approving the petition, shall be filed with the Clerk in each county the bonding entity has been approved to do business. A bonding entity must be approved in each county of the Thirteenth Judicial District to do business in that county.

3.03 Petition of Approved Company for Additional Authorized Bondsman

Approved companies may petition the Court for approval of additional authorized bondsmen signed by the owner. Petition must include an affidavit sworn to by the new agent pursuant to 3.01 (6) and all accompanying documentation.

Additionally, approved companies should advise the Court immediately in writing via the owner or attorney of the company when an agent is no longer employed to have them removed as an authorized agent.

3.04 Approval of Bondsmen withheld, withdrawn or suspended

Pursuant to T.C.A. § 40-11-125(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.

Pursuant to T.C.A. § 40-11-319 a professional bondsman who is arrested in this state for a

felony or is arrested in another state or by the federal government for the equivalent of a felony in this state shall notify the board of professional bondsmen in writing within seventy-two (72) hours of the arrest and the courts of the 13th Judicial District as well.

Further, should a professional bondsman authorized in the 13th Judicial District be arrested for a felony (or the equivalent in another jurisdiction) or indicted or charged with a felony in any county of the state of Tennessee, or in another state or by the Federal government, that agent may be immediately suspended by the Court, pending a hearing if requested by timely filing of a motion to reinstate in accordance with these bonding rules (3.01) and T.C.A. § 40-11-125. Arrest or charge for a misdemeanor shall not automatically result in suspension but may be considered under the Court's authority to deny, withhold, suspend, or revoke privileges for conduct detrimental to the bondsman's client or disruptive to the Court.

Furthermore, should a bonding company or professional bondsman authorized in the 13th Judicial District have their Board License or authority suspended or revoked in another district of the state of Tennessee, that company or agent may be suspended or have privileges revoked, as the case may be, in the 13th Judicial District after notice and opportunity to be heard, consistent with T.C.A. § 40-11-125.

3.05 Bond Amounts

A bond of One Hundred Thousand ($100,000.00) Dollars or more shall be made only after authorization by the Court. Once bond is approved and written, a copy of the receipt showing all requisite information required by T.C.A. §40-11-151 shall be forwarded to the Court within 72 hours of the release of the Defendant on bond. Failure to comply with this shall result in immediate suspension of authority to write bonds in the 13th Judicial District. (This was originally ordered via Memo of the Court dated July 28, 2025, and sent to all 13th Judicial District Bonding Company owners on that date.)

No single bond shall be made by the bonding entity in an amount exceeding the amount pledged as security by the bonding entity.

At no time shall the aggregate amount of all bonds of the bonding entity exceed fifteen (15) times the amount pledged as security by the bonding entity. Insurance backed bonding is limited by the Insurer.

In the event the bonding entity is secured by an insurance company, no single bond shall be made in an amount greater than the amount authorized by the insurance company. The aggregate amount of all bonds shall not be greater than the total amount authorized by the insurance company. All insurance backed bonds must have affixed thereto a power of attorney authorizing the agent to make the bond. A bond of Two Hundred and Fifty Thousand ($250,000.00) Dollars or more requires prior written receipt by the Criminal Court Judge of confirmation from the bonding entity's insurance company acknowledging (a) their knowledge of the specific bond, (b) the identity of the principal and the amount, and (c) acceptance of full responsibility for the bond, before the bonding agent is allowed to make or write the bond and a copy delivered to the Court.

3.06 Premiums

Premium fees shall be in an amount prescribed by T.C.A. § 40-11-316 and proof must be maintained and available for review by the Court upon request. In keeping with T.C.A. §40-11-151, and pursuant to same: all agents must submit a copy of their receipt on all bonds written for $100,000.00 or more, within 72 hours of the release, to the court noting premium paid and pay plan, if applicable. (Per memo of the Court dated July 28, 2025.)

No person shall be admitted to bond on appeal unless he/she has executed a new bond in an amount set by the Court.

3.07 Semi-Annual Reports

Each bonding entity shall file a semi-annual report as required by T.C.A. §40-11-303 with the Board of Professional Bondsmen and Clerk of the Criminal Court in every county they are authorized to write. A copy of the filed semi-annual report shall also be sent to the Court within 3 business days of the filing. The semi-annual report shall be filed on forms provided by the Court.

Pursuant to T.C.A. § 40-11-314, and all its sections, all companies and their agents shall provide copies of their quarterly reports to the Department of Revenue to the Court as well. By memo of the Court, June 1, 2026, each company shall provide copies of their bonding tax receipts for the previous 4 quarters with their July 31 semi-annual report, beginning with the July 2026 semi-annual report. (Memo was sent via email to all owners authorized in the 13th Judicial District

on June 1, 2026.)

Failure to timely comply with the semi-annual report, quarterly Department of Revenue report copy, or bonding tax receipt requirements of this Rule may result in suspension of authority to write bonds in the 13th Judicial District after written notice and an opportunity to cure or be heard, consistent with T.C.A. § 40-11-125 and these Rules. Repeated or willful non-compliance may result in revocation.

T.C.A. §67-4-805 – Effect of non-payment on validity and issuance of bond. Payment of the tax imposed by this part shall be a condition precedent to the validity of any bail bond under title 40, chapter 11. No bond shall issue unless the tax has been paid.

The company shall provide the total number of bonds written for each reporting period.

3.08 Surrender of Principal.

For good cause shown, a bonding entity may surrender its principal pursuant to T.C.A. § 40-11-132.

Non-payment of premium shall not be grounds for any bonding entity to surrender a defendant.

Upon such surrender of the principal, the bonding entity shall, within twenty-four (24) hours, notify the Court in which the bond was made of such surrender and file a written petition with the Court to be relieved of the bond.

A hearing on the petition shall be conducted on the next day the Court is in session in the county of surrender or within three (3) days if requested by the defendant.

3.09 Incarcerated Principals

Whenever a bonding entity becomes aware that its principal is incarcerated in any other jurisdiction within this State, it may petition the court in which the bond was made for a detainer to be placed against the principal.

The bonding entity may petition the court in which the bond was made to place a detainer against its principal if the principal is incarcerated in another state, only if the original bond is for a felony charge.

Should the bonding entity petition the court upon the filing of a detainer, the bonding entity may not be required to forfeit its bond in any amount greater than the reasonable transportation costs associated with returning the principal to the jurisdiction of the Court.

3.10 Forfeitures

Each bonding entity shall have an authorized agent, or your attorney, in Court for all appearances of their principals to answer as to the location of their principals, should the principal fail to appear. Failure to adhere to this requirement shall result in a show cause being issued against the bonding entity and possible suspension for continued failures. Should you find that you have principals in more than one court on the same date, you shall contact the Judges' offices and inform them of the conflict. You shall then be required to contact the Clerk's office whose Court you missed and receive the new court appearance date or receive the scire facias(es), if your principal failed to appear. Each bonding entity shall consult with the Clerk in each county in which it has an outstanding bail bond on the first business day after the first and fifteenth of each month to determine if any forfeitures have been entered against the entity. If the bonding entity has not been served with a scire facias, the Clerk shall serve the scire facias at that time. Failure to consult with the Clerk shall constitute constructive service of any scire facias outstanding against the bonding entity.

The Clerks of the various courts of the Thirteenth Judicial District shall notify the Judge if any bonding entity has any outstanding final forfeitures.

Upon any forfeiture becoming final, the bonding entity shall be required to pay the bond in full. It is up to the Court to allow any extensions or to cancel required payment of final forfeiture in lieu of the Defendant's appearance back in court.

4.01 Memoranda of Changes

These rules are subject to updates via memoranda of the Court due to changing statutes and caselaw as needed. These memoranda will be sent to the owners of the bonding companies and filed with the clerks of the courts of the Thirteenth Judicial District to serve as notice.

**A bonding entity shall not carry on its enterprise if it has any outstanding final forfeitures**

**Acknowledgement by each company and its agents by signature is required to continue as authorized agents in the Thirteenth Judicial District.**

Entered this 1st day of October 2026.

JUDGE GARY S. MCKENZIE
CRIMINAL COURT
PART I

JUDGE WESLEY THOMAS BRAY
CRIMINAL COURT
DIVISION II

JUDGE SHAWN C. FRY
CRIMINAL COURT
PART III