§ 6805. Charitable bail organization. (a)(1) The superintendent may issue a certificate to a charitable bail organization to deposit money as bail for another in accordance with the provisions of this section only if such entity is a non-profit organization organized pursuant to the United States internal revenue code as described by section 501(c)(3) of title 26 of the United States code, is registered as a charity pursuant to article seven-A of the executive law and is current on such registration.

(2) The application for a charitable bail organization certificate shall be in such form or forms, and shall contain relevant information, as the superintendent shall prescribe.

(3) The superintendent may refuse to issue a charitable bail organization certificate if, in the superintendent's judgment, an applicant, or an officer or director of the applicant, has: (A) demonstrated untrustworthiness or incompetence; (B) given cause for the revocation or suspension of the certificate; or (C) failed to comply with any prerequisite for the issuance of the certificate.

(4) A charitable bail organization certificate shall be valid for a term of five years from issuance. At the time of application for every such certificate, and for every renewal thereof, an applicant shall pay to the superintendent a sum of one thousand dollars payable each term or fraction of a term, provided, however, that in his or her discretion, the superintendent may waive such fee.

(5) If an application for a renewal certificate shall have been filed with the superintendent before the expiration of such certificate, then the certificate sought to be renewed shall continue in full force and effect either until the issuance by the superintendent or the renewal certificate applied for or until five days after the superintendent shall have refused to issue such renewal certificate.

(6) The superintendent may refuse to renew or may revoke or suspend a charitable bail organization certificate for a reasonable period determined by the superintendent if, after notice and hearing, the superintendent determines that an applicant or licensee, or an officer or director of the applicant or licensee, has: (A) demonstrated untrustworthiness or incompetence; (B) violated this section or authorized regulations promulgated thereunder; or (C) failed to stay current with their registration as a charity pursuant to article seven-A

of the executive law. Any hearing conducted under this section shall comply with the requirements of section three hundred five of the financial services law.

(b) A charitable bail organization shall:

(1) only deposit money as bail in the amount of two thousand dollars or less for a defendant charged with one or more misdemeanors, provided, however, that such organization shall not execute as surety any bond for any defendant;

(2) only deposit money as bail on behalf of a person who is financially unable to post bail, which may constitute a portion or the whole amount of such bail;

(3) only deposit money as bail in one county in this state. Provided, however, that a charitable bail organization whose principal place of business is located within a city of a million or more may deposit money as bail in the five counties comprising such city; and

(4) not charge a premium or receive compensation for acting as a charitable bail organization.

(c) The superintendent may promulgate regulations implementing this section.