

Changes to Bail Bond Statutes

903.045 Nature of Surety Bail Bonds

- ...an obligation upon the bail bond agent to ensure that the defendant appears at all ~~subsequent~~ criminal proceedings for which the surety bond is posted and otherwise fulfills all conditions of the bond. The ~~failure of a defendant to appear at any subsequent criminal proceeding or the breach by the defendant of any other condition of the bond constitutes a breach by the bail bond agent of this commitment and obligation.~~

903.26 Forfeiture of the Bond

(2)(a) If there is a failure of the defendant to appear as required ~~breach of the bond~~,

- Other changes are just language clean up in 2(a) and (b)

One interesting point in (c)...

(c) If there is a forfeiture ~~breach~~ of the bond, the clerk shall provide, upon request, a certified copy of the warrant or capias to the bail bond agent or surety company.

- Does that mean for free?

Here comes the mess... 903.26(5)

(5) The court shall discharge a forfeiture within 60 days upon:

(a) A determination that it was impossible for the defendant to appear as required or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control. The potential adverse economic consequences of appearing as required may shall not be considered as constituting a ground for such a determination;

(b) A determination that, at the time of the required appearance or within 60 days after the date of the required appearance, the defendant was ~~adjudicated insane and~~ confined in an institution or hospital; ~~or~~ was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased a jail or prison;

903.26(5) Continued

(c) Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the date of the required appearance in any county, state, or federal jail or prison and upon a hold being placed to return the defendant to the jurisdiction of the court if the delay has not thwarted the proper prosecution of the defendant. If the forfeiture has been before discharge, the court shall direct remission of the forfeiture. The court shall condition a discharge or remission on the payment of costs and the expenses incurred by an official in returning the defendant to the jurisdiction of the court; or

(d) A determination that the state is unwilling to seek extradition of the fugitive defendant within 30 days after a request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and the incurred by an official in returning the defendant to the jurisdiction of the court, up to the penal amount of the bond.

903.26(7) and (8)

- (7) –just language
- (8) If the defendant is arrested and returned to the county of jurisdiction of the court or has posted a new bond for the case at issue before ~~prior to~~ judgment, the clerk, upon affirmation by the sheriff or the chief correctional officer, shall, without further hearing or order of the court, discharge the forfeiture of the bond.
 - *Increases Clerk Authority to discharge a forfeiture.*

903.31 Canceling the bond

(1).... An adjudication of guilt or innocence or, an acquittal, if a period of 36 months has passed since the original bond was posted, or a withholding of an adjudication of guilt shall satisfy the conditions of the bond....

(2) The original appearance bond does not guarantee a deferred sentence; ~~sentences~~, appearance during or after a presentence investigation, appearance during or after appeals; conduct during or appearance after admission to a pretrial intervention program; placement in a court-ordered program, including a residential mental health facility; payment of fines; or attendance at educational or rehabilitation facilities the court otherwise provides in the judgment.