

Superseded 5/10/2016

77-20b-103 Defendant in custody -- Notice to prosecutor.

- (1) If a surety is unable to bring a defendant to the court because the defendant is and will be in the custody of authorities of another jurisdiction, the surety shall notify the court and the prosecutor and provide the name, address, and telephone number of the custodial authority.
- (2) If the defendant is subject to extradition or other means by which the state can return the defendant to the court's custody, and the surety gives notice under Subsection (1), the surety's bond shall be exonerated:
 - (a) if the prosecutor elects in writing not to extradite the defendant immediately; and
 - (b) if the prosecutor elects in writing to extradite the defendant, to the extent the bond exceeds the reasonable, actual, or estimated costs to extradite and return the defendant to the court's custody, upon the occurrence of the earlier of:
 - (i) the prosecuting attorney's lodging a detainer on the defendant; or
 - (ii) 60 days after the surety gives notice to the prosecutor under Subsection (1), if the defendant remains in custody of the same authority during that 60-day period.