

1 **BAIL BOND FORFEITURE**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Parley Hellewell**

5 AN ACT RELATING TO CRIMINAL PROCEDURE; PROVIDING THAT THE FILING OF A
6 CITATION IN MISDEMEANOR CASES SATISFIES THE REQUIREMENT THAT AN
7 INFORMATION OR INDICTMENT BE FILED.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **77-20-7**, as last amended by Chapter 293, Laws of Utah 1998

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **77-20-7** is amended to read:

13 **77-20-7. Duration of liability on undertaking -- Notices to sureties -- Exoneration if**
14 **charges not filed.**

15 (1) The principal and the sureties on the written undertaking are liable thereon during all
16 proceedings and for all appearances required of the defendant up to and including the surrender
17 of the defendant in execution of any sentence imposed irrespective of any contrary provision in the
18 undertaking.

19 (2) Notice of any required appearance by the defendant may be given by the court to the
20 sureties who shall thereupon cause the defendant's appearance as required. Any failure of the
21 defendant to appear when required is a breach of the conditions of the undertaking or bail and
22 subjects it to forfeiture irrespective of whether or not notice was given to the sureties.

23 (3) If no citation, information or indictment charging a person with an offense is filed in
24 court within 120 days after the date of the bail undertaking or cash receipt, the court may relieve
25 a person from conditions of release at the person's request, and the bond or undertaking is
26 exonerated without further order of the court unless the prosecutor requests an extension of time
27 before the end of the 120-day period by:

- 28 (a) filing a notice for extension with the court; and
- 29 (b) serving the notice for extension upon the sureties and the person or his attorney.
- 30 (4) A court may extend bail and conditions of release for good cause.
- 31 (5) Subsection (3) does not prohibit the filing of charges against a person at any time.

Legislative Review Note
as of 1-7-99 8:56 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel