

121 (b) notify the surety as listed on the bond of the name, address, and telephone number
122 of the prosecutor;

123 (c) deliver a copy of the notice sent under Subsection (1)(a) to the prosecutor's office at
124 the same time notice is sent under Subsection (1)(a); ~~and~~

125 (d) ensure that the name, address, and telephone number of the surety or its agent as
126 listed on the bond is stated on the bench warrant[-];

127 (e) mail notice of the failure to appear to the bail agent if the surety is different than the
128 producer's agent[-]; and

129 (f) enter the bench warrant on ~~H→~~ [-;

130 ~~—— (i) ←H the statewide warrant system H→ . [-; and~~

131 ~~—— (ii) the National Crime Information Center, if the offense is a felony.~~

132 ~~—— (2) A bond shall be exonerated if the bench warrant is not entered on the statewide
133 warrant system or a felony bench warrant is not entered with the National Crime Information
134 Center under Subsection (1)(f).]~~

135 [F] (2) [F] ~~(3) ←H~~ The prosecutor may mail notice of nonappearance by
135a certified mail, return

136 receipt requested, to the address of the surety as listed on the bond within 37 days after the date
137 of the defendant's failure to appear.

138 ~~H→~~ [F] (3) [F] ~~(4) ←H~~ If notice of nonappearance is not mailed to a surety as listed on
138a the bond, other

139 than the defendant, in accordance with Subsection (1) or ~~(2)~~ (3), the surety and its agent are
140 relieved of further obligation under the bond without motion if the surety's current name and
141 address or the current name and address of the surety's agent are on the bail bond in the court's
142 file.

143 ~~H→~~ [F] (4) [F] ~~(5) ←H~~ (a) (i) If a defendant appears in court within seven calendar days
143a after a

144 missed, scheduled court appearance, the court may reinstate the bond without further notice to
145 the bond company.

146 (ii) If the defendant, while in custody, appears on the case for which the bond was
147 posted, the court may not reinstate the bond without the consent of the bond company.

148 (b) If a defendant fails to appear within seven calendar days after a scheduled court
149 appearance, the court may not reinstate the bond without the consent of the surety.

150 (c) If the defendant is arrested and booked into a county jail booking facility pursuant
151 to a warrant for failure to appear on the original charges [~~and the court is notified of the arrest~~],

183 [~~(1)~~] If notice of nonappearance has been mailed to a surety under Section 77-20b-101,
 184 the surety may bring the defendant before the court or surrender the defendant into the custody
 185 of a county sheriff within the state within six months of the date of nonappearance, during
 186 which time a forfeiture action on the bond may not be brought.

187 [~~(2) A surety may request an extension of the six-month time period in Subsection (1),~~
 188 ~~if the surety within that time:]~~

189 [~~(a) files a motion for extension with the court; and]~~

190 [~~(b) mails the motion for extension and a notice of hearing on the motion to the~~
 191 ~~prosecutor:]~~

192 [~~(3) The court may extend the six-month time in Subsection (1) for not more than 60~~
 193 ~~days, if the surety has complied with Subsection (2) and the court finds good cause.]~~

194 Section 5. Section **77-20b-105** is amended to read:

195 **77-20b-105. Revocation of bond.**

196 The surety is entitled to obtain the exoneration of its bond without motion ~~H→~~ **H→** [prior to
 197 **judgment]** ~~←H~~ by providing written proof to the court and the prosecutor that:

198 (1) the defendant has been booked for failure to appear regarding the charge for which
 199 the bond was issued; or

200 (2) the defendant is in custody and the surety has served the defendant's bond
 201 revocation on the custodial authority.

Legislative Review Note
 as of 3-2-15 8:52 AM

Office of Legislative Research and General Counsel