

Chapter 32

Bail Commissioners

17-32-1 Powers and duties of bail commissioners.

- (1) The county executive, with the advice and consent of the county legislative body, may appoint one or more responsible and discreet members of the sheriff's department of the county as a bail commissioner.
- (2) A bail commissioner may:
 - (a) receive bail for persons arrested in the county for a felony; and
 - (b) fix and receive bail for persons arrested in the county for a misdemeanor under the laws of the state, or for a violation of any of the county ordinances in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for county ordinances not contained in the schedule.
- (3) Any person who has been ordered by a magistrate, judge, or bail commissioner to give bail may deposit the amount with the bail commissioner:
 - (a) in money, by cash, certified or cashier's check, personal check with check guarantee card, money order, or credit card, if the bail commissioner has chosen to establish any of those options; or
 - (b) by a bond issued by a licensed bail bond surety.
- (4) Any money or bond collected by a bail commissioner shall be delivered to the appropriate court within three days of receipt of the money or bond.
- (5) The court may review the amount of bail ordered by a bail commissioner and may modify the amount of bail required for good cause.

Amended by Chapter 99, 2015 General Session

17-32-2 Collection of fines by bail commissioners -- Disposition.

- (1) In addition to the duty of fixing bail, a bail commissioner shall have power to collect and receipt money tendered in payment of the fine of a person serving sentence in default of the payment of the fine when the court is closed.
- (2) Money collected by a bail commissioner shall be delivered to the court that issued the commitment order within three days of receipt of the money.

Amended by Chapter 283, 1990 General Session

17-32-3 Term of bail commissioners -- No additional compensation -- Bond and oath.

- (1) A commissioner appointed under this chapter shall:
 - (a) serve at the pleasure of the governing body; and
 - (b) receive no additional compensation as a bail commissioner.
- (2) Before beginning his duties as a bail commissioner, he shall:
 - (a) take and subscribe an oath to faithfully and impartially discharge the duties of his office;
 - (b) give a \$2,500 bond to the county wherein he is appointed, with two good and sufficient individual sureties or with a single corporate surety that is approved by the governing body conditioned for the faithful performance of his duties as a bail commissioner; and
 - (c) account for and turn over to the appropriate court within three days receipt of all money, bonds, property, and records coming into his hands as a bail commissioner.

- (3) At the expiration of his term of office, a bail commissioner shall surrender and turn over all funds, bonds, property, paper and records then in his hands pertaining to his office.
- (4) Suit upon any bond issued under this section may be brought by the county or any person injured as a result of a bail commissioner's actions.

Amended by Chapter 283, 1990 General Session

17-32-4 Oaths and bonds to be filed.

The oath and bond of the office of a bail commissioner shall be filed with the county clerks of their respective counties.

Amended by Chapter 283, 1990 General Session