

Effective 11/16/2021

**Part 4
Monetary Bail**

77-20-401 Payment of monetary bail to sheriff -- Specific payment methods.

- (1) Subject to Subsection 77-20-402(2), if an individual has been required by a county jail official, or ordered by a magistrate or judge, to post monetary bail as a condition of pretrial release, the individual may post the amount of monetary bail with the county jail official:
 - (a) in money, by cash, certified or cashier's check, personal check with check guarantee card, money order, or credit card, if the county jail official has chosen to establish any of those options; or
 - (b) by a bail bond issued by a surety.
- (2) A county jail official shall deliver any monetary bail received under Subsection (1) to the appropriate court within three days after the day on which the monetary bail is received by the county jail official.

Amended by Chapter 408, 2023 General Session

77-20-402 Payment of monetary bail to court -- Specific payment methods -- Refund of monetary bail.

- (1) Subject to Subsection (2), a defendant may choose to post the amount of monetary bail imposed by a judge or magistrate by any of the following methods:
 - (a) in cash;
 - (b) by a bail bond with a surety;
 - (c) by an unsecured bond, at the discretion of the judge or magistrate; or
 - (d) by credit or debit card, at the discretion of the judge or magistrate.
- (2) A judge or magistrate may limit a defendant to a specific method of posting monetary bail described in Subsection (1):
 - (a) if, after charges are filed, the defendant fails to appear in the case on a bail bond and the case involves a violent offense;
 - (b) in order to allow the defendant to voluntarily remit the fine in accordance with Section 77-7-21 and the offense with which the defendant is charged is listed in the shared master offense table as one for which an appearance is not mandatory;
 - (c) if the defendant has failed to respond to a citation or summons and the offense with which the defendant is charged is listed in the shared master offense table as one for which an appearance is not mandatory;
 - (d) if a warrant is issued for the defendant solely for failure to pay a criminal accounts receivable, as defined in Section 77-32b-102, and the defendant's monetary bail is limited to the amount owed; or
 - (e) if a court has entered a judgment of bail bond forfeiture under Section 77-20-505 in any case involving the defendant.
- (3) Monetary bail may not be accepted without receiving in writing at the time the bail is posted the current mailing address, telephone number, and email address of the surety.
- (4) Monetary bail posted by debit or credit card, less the fee charged by the financial institution, shall be tendered to the courts.
- (5)

- (a) Monetary bail refunded by the court may be refunded by credit to the debit or credit card or in cash.
- (b) The amount refunded shall be the full amount received by the court under Subsection (4), which may be less than the full amount of the monetary bail set by the judge or magistrate.
- (c) Before refunding monetary bail that is posted by the defendant in cash, by credit card, or by debit card, the court may apply the amount posted toward a criminal accounts receivable, as defined in Section 77-32b-102, that is owed by the defendant in the priority set forth in Section 77-38b-304.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-403 Disposition of forfeited monetary bail.

If money deposited as a financial condition or money paid by a surety on a bail bond is forfeited and the forfeiture is not discharged or remitted, the clerk with whom the money is deposited or paid shall, immediately after final adjournment of the court, pay over the money forfeited as follows:

- (1) the forfeited amount in cases in precinct justice courts or in municipal justice courts shall be distributed as provided in Sections 78A-7-120 and 78A-7-121; and
- (2) in all other cases:
 - (a) where the financial condition was paid by a surety:
 - (i) 60% of the forfeited amount shall be paid to the Pretrial Release Programs Special Revenue Fund established in Section 63M-7-215;
 - (ii) 20% of the forfeited amount shall be paid to the General Fund; and
 - (iii) 20% of the forfeited amount shall be paid to the prosecuting agency that brings an action to collect under Section 77-20-505; and
 - (b) where the financial condition was paid without the assistance of a surety:
 - (i) 75% of the forfeited amount shall be paid to the Pretrial Release Programs Special Revenue Fund established in Section 63M-7-215; and
 - (ii) 25% of the forfeited amount shall be paid to the General Fund.

Renumbered and Amended by Chapter 4, 2021 Special Session 2