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77-20-102 Definitions.

As used in this chapter:

- (1) "Bail" means pretrial release.
- (2) "Bail bond" means the same as that term is defined in Section 31A-35-102.
- (3) "Bail bond agency" means the same as that term is defined in Section 31A-35-102.
- (4) "Bail bond producer" means the same as that term is defined in Section 31A-35-102.
- (5) "County jail official" means a county sheriff or the county sheriff's designee.
- (6) "Exonerate" means to release and discharge a surety, or a surety's bail bond producer, from liability for a bail bond.
- (7) "Financial condition" means any monetary condition that is imposed to secure an individual's pretrial release.
- (8) "Forfeiture" means:
 - (a) to divest an individual or surety from a right to the repayment of monetary bail; or
 - (b) to enforce a pledge of assets or real or personal property from an individual or surety used to secure an individual's pretrial release.
- (9) "Magistrate" means the same as that term is defined in Section 77-1-3.
- (10)
 - (a) "Material change in circumstances" includes:
 - (i) an unreasonable delay in prosecution that is not attributable to the defendant;
 - (ii) a material change in the risk that an individual poses to a victim, a witness, or the public if released due to the passage of time or any other relevant factor;
 - (iii) a material change in the conditions of release or the services that are reasonably available to the defendant if released;
 - (iv) a willful or repeated failure by the defendant to appear at required court appearances; or
 - (v) any other material change related to the defendant's risk of flight or danger to any other individual or to the community if released.
 - (b) "Material change in circumstances" does not include any fact or consideration that is known at the time that the pretrial status order is issued.
- (11) "Monetary bail" means a financial condition.
- (12) "Own recognizance" means the release of an individual without any condition of release other than the individual's promise to:
 - (a) appear for all required court proceedings; and
 - (b) not commit any criminal offense.
- (13) "Pretrial detention hearing" means a hearing described in Section 77-20-206.
- (14) "Pretrial release" means the release of an individual from law enforcement custody during the time the individual awaits trial or other resolution of criminal charges.
- (15) "Pretrial risk assessment" means an objective, research-based, validated assessment tool that measures an individual's risk of flight and risk of anticipated criminal conduct while on pretrial release.
- (16) "Pretrial services program" means a program that is established to:
 - (a) gather information on individuals booked into a jail facility;
 - (b) conduct pretrial risk assessments; and
 - (c) supervise individuals granted pretrial release.
- (17) "Pretrial status order" means an order issued by a magistrate or judge that:
 - (a) releases the individual on the individual's own recognizance while the individual awaits trial or other resolution of criminal charges;

- (b) sets the terms and conditions of the individual's pretrial release while the individual awaits trial or other resolution of criminal charges; or
 - (c) denies pretrial release and orders that the individual be detained while the individual awaits trial or other resolution of criminal charges.
- (18) "Principal" means the same as that term is defined in Section 31A-35-102.
- (19) "Surety" means a surety insurer or a bail bond agency.
- (20) "Surety insurer" means the same as that term is defined in Section 31A-35-102.
- (21) "Temporary pretrial status order" means an order issued by a magistrate that:
- (a) releases the individual on the individual's own recognizance until a pretrial status order is issued;
 - (b) sets the terms and conditions of the individual's pretrial release until a pretrial status order is issued; or
 - (c) denies pretrial release and orders that the individual be detained until a pretrial status order is issued.
- (22) "Unsecured bond" means an individual's promise to pay a financial condition if the individual fails to appear for any required court appearance.