

Effective 11/16/2021

Chapter 20 Bail

Part 1 General Provisions

77-20-101 Title.

This chapter is known as "Bail."

Enacted by Chapter 4, 2021 Special Session 2

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) a preliminary examination in which relevant evidence is presented that:
 - (A) is material to the factors or considerations provided in Section 77-20-201; and
 - (B) was not known to the court at the time the pretrial status order was issued;
 - (ii) an unreasonable delay in prosecution that is not attributable to the defendant;
 - (iii) 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;
 - (iv) a material change in the conditions of release or the services that are reasonably available to the defendant if released;
 - (v) a willful or repeated failure by the defendant to appear at required court appearances; or
 - (vi) 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) "No bail hold" means an order with the restrictions described in Subsection (18)(c).
- (13) "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.
- (14) "Pretrial detention hearing" means a hearing described in Section 77-20-206.
- (15) "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.
- (16) "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.
- (17) "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.
- (18) "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.
- (19) "Principal" means the same as that term is defined in Section 31A-35-102.
- (20) "Surety" means a surety insurer or a bail bond agency.
- (21) "Surety insurer" means the same as that term is defined in Section 31A-35-102.
- (22) "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.
- (23) "Unsecured bond" means an individual's promise to pay a financial condition if the individual fails to appear for any required court appearance.

Amended by Chapter 526, 2025 General Session

Superseded 9/1/2025

77-20-103 Release data requirements.

- (1) The Administrative Office of the Courts shall submit the following data on cases involving individuals for whom the Administrative Office of the Courts has a state identification number broken down by judicial district to the Commission on Criminal and Juvenile Justice before July 1 of each year:
- (a) for the preceding calendar year:
 - (i) the number of individuals charged with a criminal offense who failed to appear at a required court proceeding while on pretrial release under each of the following categories of release, separated by each type of release:
 - (A) the individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition;

- (ii) the number of offenses that carry a potential penalty of incarceration an individual committed while on pretrial release under each of the following categories of release, separated by each type of release:
 - (A) the individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition; and
- (iii) the total amount of fees and fines, including bond forfeiture, collected by the court from an individual for the individual's failure to comply with a condition of release under each of the following categories of release, separated by each type of release:
 - (A) an individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition; and
- (b) at the end of the preceding calendar year:
 - (i) the total number of outstanding warrants of arrest for individuals who were released from law enforcement custody on pretrial release under each of the following categories of release, separated by each type of release:
 - (A) the individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition;
 - (ii) for each of the categories described in Subsection (1)(b)(i), the average length of time that the outstanding warrants had been outstanding; and
 - (iii) for each of the categories described in Subsection (1)(b)(i), the number of outstanding warrants for arrest for crimes of each of the following categories:
 - (A) a first degree felony;
 - (B) a second degree felony;
 - (C) a third degree felony;
 - (D) a class A misdemeanor;
 - (E) a class B misdemeanor; and
 - (F) a class C misdemeanor.
- (2) The data described in Subsection (1) shall include cases involving pretrial release by a temporary pretrial status order and a pretrial release order.
- (3) Each county jail shall submit the following data, based on the preceding calendar year, to the Commission of Criminal and Juvenile Justice before July 1 of each year:
 - (a) the number of individuals released upon payment of monetary bail before appearing before a court;
 - (b) the number of individuals released on the individual's own recognizance before appearing before a court; and
 - (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of individuals collected by the county jail.
- (4) The Commission on Criminal and Juvenile Justice shall compile the data collected under this section and shall submit the compiled data in an electronic report to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

Amended by Chapter 252, 2025 General Session

Effective 9/1/2025

77-20-103 Release data requirements.

- (1) The Administrative Office of the Courts shall submit the following data on cases involving individuals for whom the Administrative Office of the Courts has a state identification number broken down by judicial district to the Commission on Criminal and Juvenile Justice before July 1 of each year:
 - (a) for the preceding calendar year:
 - (i) the number of individuals charged with a criminal offense who failed to appear at a required court preceding while on pretrial release under each of the following categories of release, separated by each type of release:
 - (A) the individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition;
 - (ii) the number of offenses that carry a potential penalty of incarceration an individual committed while on pretrial release under each of the following categories of release, separated by each type of release:
 - (A) the individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition; and
 - (iii) the total amount of fees and fines, including bond forfeiture, collected by the court from an individual for the individual's failure to comply with a condition of release under each of the following categories of release, separated by each type of release:
 - (A) an individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition; and
 - (b) at the end of the preceding calendar year:
 - (i) the total number of outstanding warrants of arrest for individuals who were released from law enforcement custody on pretrial release under each of the following categories of release, separated by each type of release:
 - (A) the individual's own recognizance;
 - (B) a financial condition; and
 - (C) a release condition other than a financial condition;
 - (ii) for each of the categories described in Subsection (1)(b)(i), the average length of time that the outstanding warrants had been outstanding; and
 - (iii) for each of the categories described in Subsection (1)(b)(i), the number of outstanding warrants for arrest for crimes of each of the following categories:
 - (A) a first degree felony;
 - (B) a second degree felony;
 - (C) a third degree felony;
 - (D) a class A misdemeanor;
 - (E) a class B misdemeanor; and
 - (F) a class C misdemeanor.
- (2) The data described in Subsection (1) shall include cases involving pretrial release by a temporary pretrial status order and a pretrial release order.
- (3) Each county jail shall submit the following data, based on the preceding calendar year, to the Commission of Criminal and Juvenile Justice before July 1 of each year:
 - (a) the number of individuals released upon payment of monetary bail before appearing before a court;
 - (b) the number of individuals released on the individual's own recognizance before appearing before a court;

- (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of individuals collected by the county jail;
 - (d) the number of individuals released as a result of overcrowding; and
 - (e) the number of individuals released on pretrial release.
- (4) The Commission on Criminal and Juvenile Justice shall compile the data collected under this section and shall submit the compiled data in an electronic report to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

Amended by Chapter 243, 2025 General Session

Part 2

Preconviction Bail

77-20-201 Right to bail -- Capital felony.

- (1) An individual charged with, or arrested for, a criminal offense shall be admitted to bail as a matter of right, except if the individual is charged with:
- (a) a capital felony when there is substantial evidence to support the charge;
 - (b) a felony committed while on parole or on probation for a felony conviction, or while free on bail awaiting trial on a previous felony charge, when there is substantial evidence to support the current felony charge;
 - (c) a felony when there is substantial evidence to support the charge and the court finds, by clear and convincing evidence, that:
 - (i) the individual would constitute a substantial danger to any other individual or to the community after considering available conditions of release that the court may impose if the individual is released on bail; or
 - (ii) the individual is likely to flee the jurisdiction of the court if the individual is released on bail;
 - (d) a felony when there is substantial evidence to support the charge and the court finds, by clear and convincing evidence, that the individual violated a material condition of release while previously on bail;
 - (e) a domestic violence offense if:
 - (i) there is substantial evidence to support the charge; and
 - (ii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial danger to an alleged victim of domestic violence after considering available conditions of release that the court may impose if the individual is released on bail;
 - (f) the offense of driving under the influence or driving with a measurable controlled substance in the body if:
 - (i) the offense results in death or serious bodily injury to an individual;
 - (ii) there is substantial evidence to support the charge; and
 - (iii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial danger to the community after considering available conditions of release that the court may impose if the individual is released on bail;
 - (g) a felony violation of Section 76-9-101 if:
 - (i) there is substantial evidence to support the charge; and
 - (ii) the court finds, by clear and convincing evidence, that the individual is not likely to appear for a subsequent court appearance; or

- (h) except as provided in Subsection (4), the offense of driving under the influence or driving with a measurable controlled substance in the body:
 - (i) if committed while on parole or on probation for a driving under the influence or driving with a measurable controlled substance in the body conviction; or
 - (ii) while the individual is out of custody awaiting trial on a previous driving under the influence or driving with a measurable controlled substance in the body charge, when the court finds there is substantial evidence to support the current charge.
- (2) Notwithstanding any other provision of this section, there is a rebuttable presumption that an individual is a substantial danger to the community under Subsection (1)(f)(iii):
 - (a) as long as the individual has a blood or breath alcohol concentration of .05 grams or greater if the individual is arrested for, or charged with, the offense of driving under the influence and the offense resulted in death or serious bodily injury to an individual; or
 - (b) if the individual has a measurable amount of controlled substance in the individual's body, the individual is arrested for, or charged with, the offense of driving with a measurable controlled substance in the body and the offense resulted in death or serious bodily injury to an individual.
- (3) For purposes of Subsection (1)(a), any arrest or charge for a violation of Section 76-5-202, aggravated murder, is a capital felony unless:
 - (a) the prosecuting attorney files a notice of intent to not seek the death penalty; or
 - (b) the time for filing a notice to seek the death penalty has expired and the prosecuting attorney has not filed a notice to seek the death penalty.
- (4) For purposes of Subsection (1)(h), there is a rebuttable presumption that an individual would not constitute a substantial danger to any other person or the community if:
 - (a) the court orders the person to participate in an inpatient drug and alcohol treatment program; or
 - (b) the court orders the person to participate in home confinement through the use of electronic monitoring as described in Section 41-6a-506.
- (5) For purposes of a determination under Subsection (1)(c)(ii), there is a rebuttable presumption that an individual is at risk of fleeing the jurisdiction if the individual is not lawfully present in the United States.

Amended by Chapter 227, 2025 General Session

77-20-202 Collection of pretrial information.

- (1) When an individual is arrested without a warrant for an offense and booked at a jail facility, an employee at the jail facility, or an employee of a pretrial services program, shall submit the following information to the court with the probable cause statement:
 - (a) identification information for the individual, including:
 - (i) the individual's legal name and any known aliases;
 - (ii) the individual's date of birth;
 - (iii) the individual's state identification number;
 - (iv) the individual's mobile phone number;
 - (v) the individual's email address; and
 - (vi) the individual's immigration status, if the individual is not a United States citizen or national;
 - (b) the individual's residential address;
 - (c) any pending criminal charge or warrant for the individual, including the offense tracking number of the current offense for which the individual is booked;
 - (d) the individual's probation or parole supervision status;

- (e) whether the individual was on pretrial release for another criminal offense prior to the booking of the individual for the current criminal offense if the employee knows that the individual was on pretrial release for a prior criminal offense;
 - (f) the individual's financial circumstances to the best of the individual's knowledge at the time of booking, including:
 - (i) the individual's current employer;
 - (ii) the individual's monthly income, including any alimony or child support that contributes to the individual's monthly income;
 - (iii) the individual's monthly expenses, including any alimony or child support obligation that the individual is responsible for paying;
 - (iv) the individual's ownership of, or any interest in, personal or real property, including any savings or checking accounts or cash;
 - (v) the number, ages, and relationships of any dependents;
 - (vi) any financial support or benefit that the individual receives from a state or federal government; and
 - (vii) any other information about the individual's financial circumstances that may be relevant;
 - (g) any ties the individual has to the community, including:
 - (i) the length of time that the individual has been at the individual's residential address;
 - (ii) any enrollment in a local college, university, or trade school; and
 - (iii) the name and contact information for any family member or friend that the individual believes would be willing to provide supervision of the individual;
 - (h) the results of a lethality assessment completed in accordance with Section 77-36-2.1, if any; and
 - (i) whether the individual is under the influence of alcohol or a controlled substance to a degree that would endanger the individual or another individual if the individual is released.
- (2) Upon request, the jail facility, or the pretrial services program, shall provide the information described in Subsection (1) to the individual, the individual's attorney, or the prosecuting attorney.
- (3) Any information collected from an individual under Subsection (1) is inadmissible in any court proceeding other than:
- (a) a criminal proceeding addressing the individual's pretrial release or indigency for the offense, or offenses, for which the individual was arrested or charged with; or
 - (b) another criminal proceeding regarding prosecution for providing a false statement under Subsection (1).
- (4) Nothing in this section prohibits a court and a county from entering into an agreement regarding information to be submitted to the court with a probable cause statement.

Amended by Chapter 227, 2025 General Session

Superseded 9/1/2025

77-20-203 County sheriff authority to release an individual from jail on own recognizance.

- (1) As used in this section:
- (a) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
 - (b)
 - (i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).
 - (ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.

- (c) "Qualifying offense" means the same as that term is defined in Section 78B-7-801.
- (d) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- (2) Except as provided in Subsection (3), a county jail official may release an individual from a jail facility on the individual's own recognizance if:
 - (a) the individual was arrested without a warrant;
 - (b) the individual was not arrested for:
 - (i) a violent felony;
 - (ii) a qualifying offense;
 - (iii) the offense of driving under the influence or driving with a measurable controlled substance in the body if the offense results in death or serious bodily injury to an individual; or
 - (iv) an offense described in Subsection 76-9-101(3)(b);
 - (c) law enforcement has not submitted a probable cause statement to a court or magistrate;
 - (d) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
 - (e) the individual qualifies for release under the written policy described in Subsection (4) for the county.
- (3) A county jail official may not release an individual from a jail facility if the individual is subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.
- (4)
 - (a) A county sheriff shall create and approve a written policy for the county that governs the release of an individual on the individual's own recognizance.
 - (b) The written policy shall describe the criteria an individual shall meet to be released on the individual's own recognizance.
 - (c) A county sheriff may include in the written policy the criteria for release relating to:
 - (i) criminal history;
 - (ii) prior instances of failing to appear for a mandatory court appearance;
 - (iii) current employment;
 - (iv) residency, including immigration status;
 - (v) ties to the community;
 - (vi) an offense for which the individual was arrested;
 - (vii) any potential criminal charges that have not yet been filed;
 - (viii) the individual's health condition;
 - (ix) any potential risks to a victim, a witness, or the public; and
 - (x) any other similar factor a sheriff determines is relevant.
- (5)
 - (a) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an individual for up to 24 hours from booking if:
 - (i) the individual is on supervised probation or parole and that information is reasonably available; and
 - (ii) the individual was arrested for:
 - (A) a violent felony; or
 - (B) a qualifying domestic violence offense.
 - (b) The jail facility shall:
 - (i) notify the entity supervising the individual's probation or parole that the individual is being detained; and
 - (ii) release the individual:

- (A) to the division if the division supervises the individual and requests the individual's release; or
- (B) if a court or magistrate orders release.
- (c) This Subsection (5) does not prohibit a jail facility from holding the individual in accordance with this chapter for a new criminal offense.
- (6) This section does not prohibit a court and a county from entering into an agreement regarding release.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 214, 2025 General Session

Amended by Chapter 227, 2025 General Session

Effective 9/1/2025

77-20-203 County sheriff authority to release an individual from jail on own recognizance.

- (1) As used in this section:
 - (a) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
 - (b)
 - (i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).
 - (ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.
 - (c) "Qualifying offense" means the same as that term is defined in Section 78B-7-801.
 - (d) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- (2) Except as provided in Subsection (3), a county jail official may release an individual from a jail facility on the individual's own recognizance if:
 - (a) the individual was arrested without a warrant;
 - (b) the individual was not:
 - (i) arrested for a violent offense as defined in Section 76-3-201.10;
 - (ii) arrested for a qualifying offense;
 - (iii) arrested for the offense of driving under the influence or driving with a measurable controlled substance in the body if the offense results in death or serious bodily injury to an individual;
 - (iv) arrested for an offense described in Subsection 76-9-101(3)(b);
 - (v) arrested for possession of any composition or mixture, including pills, that contains 100 grams or more of fentanyl or a fentanyl-related substance; or
 - (vi) previously booked into the same jail within the immediately preceding 12-month period;
 - (c) law enforcement has not submitted a probable cause statement to a court or magistrate;
 - (d) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
 - (e) the individual qualifies for release under the written policy described in Subsection (4) for the county.
- (3) A county jail official may not release an individual from a jail facility if the individual is subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.
- (4)
 - (a) A county sheriff shall create and approve a written policy for the county that governs the release of an individual on the individual's own recognizance.

- (b) The written policy shall describe the criteria an individual shall meet to be released on the individual's own recognizance.
- (c) A county sheriff may include in the written policy the criteria for release relating to:
 - (i) criminal history;
 - (ii) prior instances of failing to appear for a mandatory court appearance;
 - (iii) current employment;
 - (iv) residency, including immigration status;
 - (v) ties to the community;
 - (vi) an offense for which the individual was arrested;
 - (vii) any potential criminal charges that have not yet been filed;
 - (viii) the individual's health condition;
 - (ix) any potential risks to a victim, a witness, or the public; and
 - (x) any other similar factor a sheriff determines is relevant.
- (5)
 - (a)
 - (i) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an individual for no fewer than eight hours and up to 24 hours from booking if the individual is on supervised probation or parole and that information is reasonably available.
 - (ii) Notwithstanding Subsection (5)(a)(i), an individual may be released earlier than eight hours if:
 - (A) the entity supervising the individual on probation or parole informs the jail that the supervising entity does not intend to place a hold on the individual; and
 - (B) a court or magistrate has ordered a release.
 - (b) Before any release, a jail facility shall:
 - (i) notify the entity supervising the individual's probation or parole that the individual is being detained and provide that entity an opportunity to place a hold on the individual; and
 - (ii) only release the individual:
 - (A) to the division if the division supervises the individual and requests the individual's release; or
 - (B) if a court or magistrate orders release.
 - (c) This Subsection (5) does not prohibit a jail facility from holding the individual in accordance with this chapter for a new criminal offense.
- (6) This section does not prohibit a court and a county from entering into an agreement regarding release, except that any such agreement shall apply only to an individual who meets the criteria in an agreement as those criteria existed as of January 1, 2025.

Amended by Chapter 243, 2025 General Session

Superseded 9/1/2025

77-20-204 County jail authority to release an individual from jail on monetary bail.

- (1) As used in this section, "eligible felony offense" means a third degree felony violation under:
 - (a) Section 23A-4-501 or 23A-4-502;
 - (b) Section 23A-5-311;
 - (c) Section 23A-5-313;
 - (d) Title 76, Chapter 6, Part 4, Theft;
 - (e) Title 76, Chapter 6, Part 5, Fraud;
 - (f) Title 76, Chapter 6, Part 6, Retail Theft;
 - (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;

- (h) Title 76, Chapter 6, Part 8, Library Theft;
 - (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
 - (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
 - (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
 - (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
 - (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
 - (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
 - (o) Title 76, Chapter 7, Offenses Against the Family;
 - (p) Title 76, Chapter 7a, Abortion Prohibition;
 - (q) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;
 - (r) Title 76, Chapter 12, Part 3, Privacy Offenses;
 - (s) Title 76, Chapter 13, Offenses Involving Cruelty to Animals; or
 - (t) Title 76, Chapter 17, Part 3, Offenses Concerning Pyramid Schemes.
- (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial condition for an individual if:
- (a)
 - (i) the individual is ineligible to be released on the individual's own recognizance under Section 77-20-203;
 - (ii) the individual is arrested for, or charged with:
 - (A) a misdemeanor offense under state law; or
 - (B) a violation of a city or county ordinance that is classified as a class B or C misdemeanor offense;
 - (iii) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
 - (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
 - (b)
 - (i) the individual is arrested for, or charged with, an eligible felony offense;
 - (ii) the individual is not on pretrial release for a separate criminal offense;
 - (iii) the individual is not on probation or parole;
 - (iv) the primary risk posed by the individual is the risk of failure to appear;
 - (v) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
 - (vi) law enforcement has not submitted a probable cause statement to a magistrate.
- (3) A county jail official may not fix a financial condition at a monetary amount that exceeds:
- (a) \$5,000 for an eligible felony offense;
 - (b) \$1,950 for a class A misdemeanor offense;
 - (c) \$680 for a class B misdemeanor offense;
 - (d) \$340 for a class C misdemeanor offense;
 - (e) \$150 for a violation of a city or county ordinance that is classified as a class B misdemeanor; or
 - (f) \$80 for a violation of a city or county ordinance that is classified as a class C misdemeanor.
- (4) If an individual is arrested for more than one offense, and the county jail official fixes a financial condition for release:
- (a) the county jail official shall fix the financial condition at a single monetary amount; and
 - (b) the single monetary amount may not exceed the monetary amount under Subsection (3) for the highest level of offense for which the individual is arrested.
- (5) Except as provided in Subsection (7)(b), an individual shall be released if the individual posts a financial condition fixed by a county jail official in accordance with this section.

- (6) If a county jail official fixes a financial condition for an individual, law enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of Criminal Procedure after the county jail official fixes the financial condition.
- (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah Rules of Criminal Procedure:
 - (a) a county jail official may not fix or modify a financial condition for an individual; and
 - (b) if a county jail official fixed a financial condition for the individual before the magistrate's review, the individual may no longer be released on the financial condition.
- (8) A jail facility may not release an individual subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.
- (9) This section does not prohibit a court and a county from entering into an agreement regarding release.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 214, 2025 General Session

Effective 9/1/2025

77-20-204 County jail authority to release an individual from jail on monetary bail.

- (1) As used in this section, "eligible felony offense" means a third degree felony violation under:
 - (a) Section 23A-4-501 or 23A-4-502;
 - (b) Section 23A-5-311;
 - (c) Section 23A-5-313;
 - (d) Title 76, Chapter 6, Part 4, Theft;
 - (e) Title 76, Chapter 6, Part 5, Fraud;
 - (f) Title 76, Chapter 6, Part 6, Retail Theft;
 - (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
 - (h) Title 76, Chapter 6, Part 8, Library Theft;
 - (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
 - (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
 - (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
 - (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
 - (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
 - (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
 - (o) Title 76, Chapter 7, Offenses Against the Family;
 - (p) Title 76, Chapter 7a, Abortion Prohibition;
 - (q) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;
 - (r) Title 76, Chapter 12, Part 3, Privacy Offenses;
 - (s) Title 76, Chapter 13, Offenses Involving Cruelty to Animals; or
 - (t) Title 76, Chapter 17, Part 3, Offenses Concerning Pyramid Schemes.
- (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial condition for an individual if:
 - (a)
 - (i) the individual is ineligible to be released on the individual's own recognizance under Section 77-20-203;
 - (ii) the individual is arrested for, or charged with:
 - (A) a misdemeanor offense under state law, excluding a misdemeanor offense:
 - (l) for domestic violence as defined in Section 77-36-1; or

- (II) for driving under the influence under Title 41, Chapter 6, Part 5, Driving Under the Influence and Reckless Driving, or Section 76-5-102.1; or
- (B) a violation of a city or county ordinance that is classified as a class B or C misdemeanor offense;
- (iii) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
- (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- (b)
 - (i) the individual is arrested for, or charged with, an eligible felony offense;
 - (ii) the individual is not on pretrial release for a separate criminal offense;
 - (iii) the individual is not on probation or parole;
 - (iv) the primary risk posed by the individual is the risk of failure to appear;
 - (v) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
 - (vi) law enforcement has not submitted a probable cause statement to a magistrate.
- (3) A county jail official may not fix a financial condition at a monetary amount that exceeds:
 - (a) \$5,000 for an eligible felony offense;
 - (b) \$1,950 for a class A misdemeanor offense;
 - (c) \$680 for a class B misdemeanor offense;
 - (d) \$340 for a class C misdemeanor offense;
 - (e) \$150 for a violation of a city or county ordinance that is classified as a class B misdemeanor; or
 - (f) \$80 for a violation of a city or county ordinance that is classified as a class C misdemeanor.
- (4) If an individual is arrested for more than one offense, and the county jail official fixes a financial condition for release:
 - (a) the county jail official shall fix the financial condition at a single monetary amount; and
 - (b) the single monetary amount may not exceed the monetary amount under Subsection (3) for the highest level of offense for which the individual is arrested.
- (5) Except as provided in Subsection (7)(b), an individual shall be released if the individual posts a financial condition fixed by a county jail official in accordance with this section.
- (6) If a county jail official fixes a financial condition for an individual, law enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of Criminal Procedure after the county jail official fixes the financial condition.
- (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah Rules of Criminal Procedure:
 - (a) a county jail official may not fix or modify a financial condition for an individual; and
 - (b) if a county jail official fixed a financial condition for the individual before the magistrate's review, the individual may no longer be released on the financial condition.
- (8) A jail facility may not release an individual subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.
- (9) This section does not prohibit a court and a county from entering into an agreement regarding release, except that any such agreement shall apply only to an individual who meets the criteria in an agreement as those criteria existed as of January 1, 2025.

Amended by Chapter 243, 2025 General Session

Superseded 9/1/2025

77-20-205 Pretrial release by a magistrate or judge.

- (1)
 - (a) At the time that a magistrate issues a warrant of arrest, or finds there is probable cause to support the individual's arrest under Rule 9 of the Utah Rules of Criminal Procedure, the magistrate shall issue a temporary pretrial status order that:
 - (i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;
 - (ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
 - (iii) orders the individual be detained during the time the individual awaits trial or other resolution of criminal charges.
 - (b) At the time that a magistrate issues a summons, the magistrate may issue a temporary pretrial status order that:
 - (i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges; or
 - (ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges, subject to the requirements of Subsection (1)(c).
 - (c)
 - (i) Notwithstanding Subsection (1)(a) or (b), a magistrate shall issue a temporary pretrial status order of detention under Subsection (1)(a)(iii) if the individual is arrested for a felony offense and the magistrate finds:
 - (A) there is substantial evidence to support the individual's arrest for the felony offense;
 - (B) the individual committed the felony offense while:
 - (I) the individual was on parole or probation for a conviction of a felony offense; or
 - (II) the individual was released and awaiting trial on a previous charge for a felony offense;and
 - (C) based on information reasonably available to the magistrate, the individual:
 - (I) is a habitual offender as defined in Section 77-18-102; or
 - (II) will be a habitual offender as defined in Section 77-18-102 if the individual is convicted of the felony offense.
 - (ii) Subsection (1)(c) does not limit or prohibit a magistrate's authority to detain an individual who does not meet the requirements described in Subsection (1)(c).
- (2)
 - (a) Except as provided in Subsection (2)(b), the magistrate or judge shall issue a pretrial status order at an individual's first appearance before the court.
 - (b) The magistrate or judge may delay the issuance of a pretrial status order at an individual's first appearance before the court:
 - (i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion for pretrial detention as described in Section 77-20-206;
 - (ii) if a party requests a delay; or
 - (iii) if there is good cause to delay the issuance.
 - (c) If a magistrate or judge delays the issuance of a pretrial status order under Subsection (2)(b), the magistrate or judge shall extend the temporary pretrial status order until the issuance of a pretrial status order.
 - (d) A request for a pretrial release that has not been fully presented to and ruled upon by the magistrate or judge at an initial appearance does not constitute a pretrial detention hearing under Section 77-20-206.
- (3)

- (a) When a magistrate or judge issues a pretrial status order, the pretrial status order shall:
 - (i) release the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;
 - (ii) designate a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
 - (iii) subject to the requirements of Subsection (10), order the individual to be detained during the time that individual awaits trial or other resolution of criminal charges.
 - (b) In making a determination about pretrial release in a pretrial status order, the magistrate or judge may not give any deference to a magistrate's decision in a temporary pretrial status order.
- (4) In making a determination about pretrial release, a magistrate or judge shall impose:
- (a) only conditions of release that are reasonably available; and
 - (b) conditions of release that reasonably ensure:
 - (i) the individual's appearance in court when required;
 - (ii) the safety of any witnesses or victims of the offense allegedly committed by the individual;
 - (iii) the safety and welfare of the public; and
 - (iv) that the individual will not obstruct, or attempt to obstruct, the criminal justice process.
- (5) Except as provided in Subsection (1)(c) or (6), a magistrate or judge may impose a condition, or combination of conditions, for pretrial release that requires an individual to:
- (a) not commit a federal, state, or local offense during the period of pretrial release;
 - (b) avoid contact with a victim of the alleged offense;
 - (c) avoid contact with a witness who:
 - (i) may testify concerning the alleged offense; and
 - (ii) is named in the pretrial status order;
 - (d) not consume alcohol or any narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner;
 - (e) submit to drug or alcohol testing;
 - (f) complete a substance abuse evaluation and comply with any recommended treatment or release program;
 - (g) submit to electronic monitoring or location device tracking;
 - (h) participate in inpatient or outpatient medical, behavioral, psychological, or psychiatric treatment;
 - (i) maintain employment or actively seek employment if unemployed;
 - (j) maintain or commence an education program;
 - (k) comply with limitations on where the individual is allowed to be located or the times that the individual shall be, or may not be, at a specified location;
 - (l) comply with specified restrictions on personal associations, place of residence, or travel;
 - (m) report to a law enforcement agency, pretrial services program, or other designated agency at a specified frequency or on specified dates;
 - (n) comply with a specified curfew;
 - (o) forfeit or refrain from possession of a firearm or other dangerous weapon;
 - (p) if the individual is charged with an offense against a child, limit or prohibit access to any location or occupation where children are located, including any residence where children are on the premises, activities where children are involved, locations where children congregate, or where a reasonable person would know that children congregate;
 - (q) comply with requirements for house arrest;
 - (r) return to custody for a specified period of time following release for employment, schooling, or other limited purposes;

- (s) remain in custody of one or more designated individuals who agree to:
 - (i) supervise and report on the behavior and activities of the individual; and
 - (ii) encourage compliance with all court orders and attendance at all required court proceedings;
 - (t) comply with a financial condition; or
 - (u) comply with any other condition that is reasonably available and necessary to ensure compliance with Subsection (4).
- (6)
- (a) If a county or municipality has established a pretrial services program, the magistrate or judge shall consider the services that the county or municipality has identified as available in determining what conditions of release to impose.
 - (b) The magistrate or judge may not order conditions of release that would require the county or municipality to provide services that are not currently available from the county or municipality.
 - (c) Notwithstanding Subsection (6)(a), the magistrate or judge may impose conditions of release not identified by the county or municipality so long as the condition does not require assistance or resources from the county or municipality.
- (7)
- (a) If the magistrate or judge determines that a financial condition, other than an unsecured bond, is necessary to impose as a condition of release, the magistrate or judge shall, when determining the amount of the financial condition, refer to the financial condition schedule in Section 77-20-205.5 and consider the individual's risk of failing to appear and ability to pay.
 - (b) If the magistrate or judge determines that a financial condition is necessary to impose as a condition of release, and a county jail official fixed a financial condition for the individual under Section 77-20-204, the magistrate or judge may not give any deference to:
 - (i) the county jail official's action to fix a financial condition; or
 - (ii) the amount of the financial condition that the individual was required to pay for pretrial release.
 - (c) If a magistrate or judge orders a financial condition as a condition of release, the judge or magistrate shall set the financial condition at a single amount per case.
- (8) In making a determination about pretrial release, the magistrate or judge may:
- (a) rely upon information contained in:
 - (i) the indictment or information;
 - (ii) any sworn or probable cause statement or other information provided by law enforcement;
 - (iii) a pretrial risk assessment;
 - (iv) an affidavit of indigency described in Section 78B-22-201.5;
 - (v) witness statements or testimony;
 - (vi) the results of a lethality assessment completed in accordance with Section 77-36-2.1; or
 - (vii) any other reliable record or source, including proffered evidence; and
 - (b) consider:
 - (i) the nature and circumstances of the offense, or offenses, that the individual was arrested for, or charged with, including:
 - (A) whether the offense is a violent offense; and
 - (B) the vulnerability of a witness or alleged victim;
 - (ii) the nature and circumstances of the individual, including the individual's:
 - (A) character;
 - (B) physical and mental health;
 - (C) family and community ties;

- (D) employment status or history;
 - (E) financial resources;
 - (F) past criminal conduct;
 - (G) history of drug or alcohol abuse; and
 - (H) history of timely appearances at required court proceedings;
 - (iii) the potential danger to another individual, or individuals, posed by the release of the individual;
 - (iv) whether the individual was on probation, parole, or release pending an upcoming court proceeding at the time the individual allegedly committed the offense or offenses;
 - (v) the availability of:
 - (A) other individuals who agree to assist the individual in attending court when required; or
 - (B) supervision of the individual in the individual's community;
 - (vi) the eligibility and willingness of the individual to participate in various treatment programs, including drug treatment; or
 - (vii) other evidence relevant to the individual's likelihood of fleeing or violating the law if released.
- (9) The magistrate or judge may not base a determination about pretrial release solely:
- (a) on the seriousness or type of offense that the individual is arrested for or charged with, unless the individual is arrested for or charged with a capital felony; or
 - (b) on an algorithm or a risk assessment tool score.
- (10) If the magistrate or judge issues an order pursuant to Subsection 77-20-205(3)(a)(iii), the magistrate or judge shall make sufficiently detailed findings of fact on the risk of substantial danger or flight from the court's jurisdiction to enable a reviewing court to ensure that the magistrate's or judge's determination reasonably considered all of the evidence presented to the court.
- (11) An individual arrested for violation of a jail release agreement, or a jail release court order, issued in accordance with Section 78B-7-802:
- (a) may not be released before the individual's first appearance before a magistrate or judge; and
 - (b) may be denied pretrial release by the magistrate or judge.

Amended by Chapter 526, 2025 General Session

Effective 9/1/2025

77-20-205 Pretrial release by a magistrate or judge.

- (1)
- (a) At the time that a magistrate issues a warrant of arrest, or finds there is probable cause to support the individual's arrest under Rule 9 of the Utah Rules of Criminal Procedure, the magistrate shall issue a temporary pretrial status order that:
 - (i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;
 - (ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
 - (iii) orders the individual be detained during the time the individual awaits trial or other resolution of criminal charges, subject to the requirements of Subsection (1)(c).
 - (b) At the time that a magistrate issues a summons, the magistrate may issue a temporary pretrial status order that:
 - (i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges; or

- (ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges, subject to the requirements of Subsection (1)(c).
- (c)
 - (i) Notwithstanding Subsection (1)(a) or (b), a magistrate shall issue a temporary pretrial status order of detention under Subsection (1)(a)(iii) if the individual is arrested for a felony offense and the magistrate finds:
 - (A) there is substantial evidence to support the individual's arrest for the felony offense;
 - (B) the individual committed the felony offense while:
 - (I) the individual was on parole or probation for a conviction of a felony offense; or
 - (II) the individual was released and awaiting trial on a previous charge for a felony offense;and
 - (C) based on information reasonably available to the magistrate, the individual:
 - (I) is a habitual offender as defined in Section 77-18-102; or
 - (II) will be a habitual offender as defined in Section 77-18-102 if the individual is convicted of the felony offense.
 - (ii) This Subsection (1)(c) does not limit or prohibit a magistrate's authority to detain an individual who does not meet the requirements described in this Subsection (1)(c).
- (2)
 - (a) Except as provided in Subsection (2)(b), the magistrate or judge shall issue a pretrial status order at an individual's first appearance before the court.
 - (b) The magistrate or judge may delay the issuance of a pretrial status order at an individual's first appearance before the court:
 - (i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion for pretrial detention as described in Section 77-20-206;
 - (ii) if a party requests a delay; or
 - (iii) if there is good cause to delay the issuance.
 - (c) If a magistrate or judge delays the issuance of a pretrial status order under Subsection (2)(b), the magistrate or judge shall extend the temporary pretrial status order until the issuance of a pretrial status order.
 - (d) A request for a pretrial release that has not been fully presented to and ruled upon by the magistrate or judge at an initial appearance does not constitute a pretrial detention hearing under Section 77-20-206.
- (3)
 - (a) When a magistrate or judge issues a pretrial status order, the pretrial status order shall:
 - (i) release the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;
 - (ii) designate a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
 - (iii) subject to the requirements of Subsection (10), order the individual to be detained during the time that individual awaits trial or other resolution of criminal charges.
 - (b) In making a determination about pretrial release in a pretrial status order, the magistrate or judge may not give any deference to a magistrate's decision in a temporary pretrial status order.
- (4) In making a determination about pretrial release, a magistrate or judge shall impose:
 - (a) only conditions of release that are reasonably available; and
 - (b) conditions of release that reasonably ensure:
 - (i) the individual's appearance in court when required;

- (ii) the safety of any witnesses or victims of the offense allegedly committed by the individual;
 - (iii) the safety and welfare of the public; and
 - (iv) that the individual will not obstruct, or attempt to obstruct, the criminal justice process.
- (5) Except as provided in Subsection (1)(c) or (6), a magistrate or judge may impose a condition, or combination of conditions, for pretrial release that requires an individual to:
- (a) not commit a federal, state, or local offense during the period of pretrial release;
 - (b) avoid contact with a victim of the alleged offense;
 - (c) avoid contact with a witness who:
 - (i) may testify concerning the alleged offense; and
 - (ii) is named in the pretrial status order;
 - (d) not consume alcohol or any narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner;
 - (e) submit to drug or alcohol testing;
 - (f) complete a substance abuse evaluation and comply with any recommended treatment or release program;
 - (g) submit to electronic monitoring or location device tracking;
 - (h) participate in inpatient or outpatient medical, behavioral, psychological, or psychiatric treatment;
 - (i) maintain employment or actively seek employment if unemployed;
 - (j) maintain or commence an education program;
 - (k) comply with limitations on where the individual is allowed to be located or the times that the individual shall be, or may not be, at a specified location;
 - (l) comply with specified restrictions on personal associations, place of residence, or travel;
 - (m) report to a law enforcement agency, pretrial services program, or other designated agency at a specified frequency or on specified dates;
 - (n) comply with a specified curfew;
 - (o) forfeit or refrain from possession of a firearm or other dangerous weapon;
 - (p) if the individual is charged with an offense against a child, limit or prohibit access to any location or occupation where children are located, including any residence where children are on the premises, activities where children are involved, locations where children congregate, or where a reasonable person would know that children congregate;
 - (q) comply with requirements for house arrest;
 - (r) return to custody for a specified period of time following release for employment, schooling, or other limited purposes;
 - (s) remain in custody of one or more designated individuals who agree to:
 - (i) supervise and report on the behavior and activities of the individual; and
 - (ii) encourage compliance with all court orders and attendance at all required court proceedings;
 - (t) comply with a financial condition; or
 - (u) comply with any other condition that is reasonably available and necessary to ensure compliance with Subsection (4).
- (6)
- (a) If a county or municipality has established a pretrial services program, the magistrate or judge shall consider the services that the county or municipality has identified as available in determining what conditions of release to impose.
 - (b) The magistrate or judge may not order conditions of release that would require the county or municipality to provide services that are not currently available from the county or municipality.

- (c) Notwithstanding Subsection (6)(a), the magistrate or judge may impose conditions of release not identified by the county or municipality so long as the condition does not require assistance or resources from the county or municipality.
- (7)
- (a) If the magistrate or judge determines that a financial condition, other than an unsecured bond, is necessary to impose as a condition of release, the magistrate or judge shall, when determining the amount of the financial condition, refer to the financial condition schedule in Section 77-20-205.5 and consider the individual's risk of failing to appear and ability to pay.
 - (b) If the magistrate or judge determines that a financial condition is necessary to impose as a condition of release, and a county jail official fixed a financial condition for the individual under Section 77-20-204, the magistrate or judge may not give any deference to:
 - (i) the county jail official's action to fix a financial condition; or
 - (ii) the amount of the financial condition that the individual was required to pay for pretrial release.
 - (c) If a magistrate or judge orders a financial condition as a condition of release, the judge or magistrate shall set the financial condition at a single amount per case.
- (8) In making a determination about pretrial release, the magistrate or judge may:
- (a) rely upon information contained in:
 - (i) the indictment or information;
 - (ii) any sworn or probable cause statement or other information provided by law enforcement;
 - (iii) a pretrial risk assessment;
 - (iv) an affidavit of indigency described in Section 78B-22-201.5;
 - (v) witness statements or testimony;
 - (vi) the results of a lethality assessment completed in accordance with Section 77-36-2.1; or
 - (vii) any other reliable record or source, including proffered evidence; and
 - (b) consider:
 - (i) the nature and circumstances of the offense, or offenses, that the individual was arrested for, or charged with, including:
 - (A) whether the offense is a violent offense; and
 - (B) the vulnerability of a witness or alleged victim;
 - (ii) the nature and circumstances of the individual, including the individual's:
 - (A) character;
 - (B) physical and mental health;
 - (C) family and community ties;
 - (D) employment status or history;
 - (E) financial resources;
 - (F) past criminal conduct;
 - (G) history of drug or alcohol abuse; and
 - (H) history of timely appearances at required court proceedings;
 - (iii) the potential danger to another individual, or individuals, posed by the release of the individual;
 - (iv) whether the individual was on probation, parole, or release pending an upcoming court proceeding at the time the individual allegedly committed the offense or offenses;
 - (v) the availability of:
 - (A) other individuals who agree to assist the individual in attending court when required; or
 - (B) supervision of the individual in the individual's community;
 - (vi) the eligibility and willingness of the individual to participate in various treatment programs, including drug treatment; or

- (vii) other evidence relevant to the individual's likelihood of fleeing or violating the law if released.
- (9) The magistrate or judge may not base a determination about pretrial release solely:
 - (a) on the seriousness or type of offense that the individual is arrested for or charged with, unless the individual is arrested for or charged with a capital felony; or
 - (b) on an algorithm or a risk assessment tool score.
- (10) If the magistrate or judge issues an order pursuant to Subsection 77-20-205(3)(a)(iii), the magistrate or judge shall make sufficiently detailed findings of fact on the risk of substantial danger or flight from the court's jurisdiction to enable a reviewing court to ensure that the magistrate's or judge's determination reasonably considered all of the evidence presented to the court.
- (11) An individual arrested for violation of a jail release agreement, or a jail release court order, issued in accordance with Section 78B-7-802:
 - (a) may not be released before the individual's first appearance before a magistrate or judge; and
 - (b) may be denied pretrial release by the magistrate or judge.

Amended by Chapter 243, 2025 General Session

77-20-205.5 Financial condition schedule.

- (1) For a felony, the default amount for a financial condition is:
 - (a) \$25,000 for a first degree felony with a minimum mandatory sentence;
 - (b) \$20,000 for a first degree felony without a minimum mandatory sentence;
 - (c) \$10,000 for a second degree felony; and
 - (d) \$5,000 for a third degree felony.
- (2) For a misdemeanor or infraction other than a local ordinance, the default amount for a financial condition is:
 - (a) \$2,000 for a class A misdemeanor;
 - (b) \$700 for a class B misdemeanor;
 - (c) \$350 for a class C misdemeanor; and
 - (d) \$130 for an infraction.
- (3) For a violation of a local ordinance, the default amount for a financial condition is:
 - (a) \$150 for a class B violation;
 - (b) \$80 for a class C violation; and
 - (c) \$25 for an infraction.

Enacted by Chapter 526, 2025 General Session

77-20-206 Motion for pretrial detention -- Pretrial detention hearing -- Requirements for no bail holds.

- (1)
 - (a) If the criminal charges filed against an individual include one or more offenses eligible for detention under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8, the prosecuting attorney may make a motion for pretrial detention.
 - (b) A prosecuting attorney shall not omit from the prosecuting attorney's motion for pretrial detention any material information that is known to the prosecuting attorney to be favorable to the individual.
 - (c) The motion for pretrial detention may include proposed factual findings for the court to adopt.

- (d) Upon receiving a motion for pretrial detention under Subsection (1)(a), the judge shall set a pretrial detention hearing in accordance with Subsection (2).
- (2)
- (a) If a pretrial status order is not issued at an individual's first appearance and the individual remains detained, a pretrial detention hearing shall be held at the next available court hearing that is:
 - (i) no sooner than seven days from the day on which the defendant was arrested; and
 - (ii) no later than fourteen days from the day on which the defendant was arrested.
 - (b) A judge who is unable to hold a detention hearing within 14 days of the date of an individual's first appearance shall make a good faith effort to identify another judge who has the ability to conduct the detention hearing within 14 days of the date of the individual's first appearance.
- (3)
- (a) An individual, who is the subject of a pretrial detention hearing, has the right to be represented by counsel at the pretrial detention hearing.
 - (b) If a judge finds the individual is indigent under Section 78B-22-202, the judge shall appoint counsel to represent the individual in accordance with Section 78B-22-203.
- (4) At the pretrial detention hearing:
- (a) the judge shall give both parties the opportunity to make arguments and to present relevant evidence or information;
 - (b) the prosecuting attorney and the defendant have a right to subpoena witnesses to testify; and
 - (c) the judge shall issue a pretrial status order in accordance with Subsection (5) and Section 77-20-205.
- (5) After hearing evidence on a motion for pretrial detention, and based on the totality of the circumstances, a judge may order detention if:
- (a) the individual is accused of committing an offense that qualifies for detention of the individual under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8; and
 - (b) the prosecuting attorney demonstrates substantial evidence to support the charge, and meets all additional evidentiary burdens required under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8.
- (6) An alleged victim has the right to be heard at a pretrial detention hearing on a motion for pretrial detention.
- (7) If a defendant seeks to subpoena an alleged victim who did not willingly testify at the pretrial detention hearing, a defendant may issue a subpoena, at the conclusion of the pretrial detention hearing, compelling the alleged victim to testify at a subsequent hearing only if the judge finds that the testimony sought by the subpoena:
- (a) is material to the substantial evidence or clear and convincing evidence determinations described in Section 77-20-201 in light of all information presented to the court; and
 - (b) would not unnecessarily intrude on the rights of the victim or place an undue burden on the victim.

Amended by Chapter 526, 2025 General Session

77-20-207 Modification of pretrial status order -- Failure to appear.

- (1) A party may move to modify a pretrial status order:
 - (a) at any time after a pretrial status order is issued; and
 - (b) only upon a showing that there has been a material change in circumstances.
- (2)
- (a) Notwithstanding Subsection (1), a defendant may move to modify a pretrial status order if:

- (i) the magistrate or judge imposed a financial condition as a condition of release in the pretrial status order; and
- (ii) the defendant is unable to pay the financial condition within seven days after the day on which the pretrial status order is issued.
- (b) For a motion under Subsection (2)(a), there is a rebuttable presumption that the defendant does not have the ability to pay the financial condition.
- (3)
 - (a) If a party makes a motion to modify the pretrial status order, the party shall provide notice to the opposing party sufficient to permit the opposing party to prepare for a hearing and to permit each alleged victim to be notified and be present.
 - (b) A hearing on a motion to modify a pretrial status order may be held in conjunction with a preliminary hearing or any other pretrial hearing.
- (4) In ruling upon a motion to modify a pretrial status order, the judge may:
 - (a) rely on information as provided in Subsection 77-20-205(8);
 - (b) base the judge's ruling on evidence provided at the hearing so long as each party is provided an opportunity to present additional evidence or information relevant to pretrial release; and
 - (c)
 - (i) for a motion to modify a pretrial status order under Subsection (1), modify the pretrial status order, including the conditions of release, upon a finding that there has been a material change in circumstances; or
 - (ii) for a motion to modify a pretrial status order under Subsection (2), modify the pretrial status order by reducing the amount of the financial condition or imposing nonfinancial conditions of release upon a finding that the defendant is unable to pay the amount of the financial condition in the pretrial status order.
- (5) In modifying a pretrial status order upon a motion by a party or on the court's own motion, the court shall consider whether imposing a bail bond as a condition of release in a modified pretrial status order will increase the likelihood of the defendant's appearance when:
 - (a) the defendant was previously released on the defendant's own recognizance or on nonfinancial conditions;
 - (b) the defendant willfully failed to appear at a required court appearance or has failed to appear at a required court appearance more than once; and
 - (c) a bench warrant was issued.
- (6) A court may not modify a pretrial status order to a no bail hold solely on the basis of a failure to appear.
- (7) Subsections 77-20-205(3) through (11) apply to a determination about pretrial release in a modified pretrial status order.

Amended by Chapter 526, 2025 General Session

77-20-208 Release from conditions when charges not filed in specified time period.

- (1) If a prosecuting attorney does not file an information, indictment, or a request to extend time under Subsection (2), within 120 days after the day on which a county jail official released the individual on a financial condition under Section 77-20-203 or within 120 days after the day on which a temporary pretrial status order was issued for the individual:
 - (a) the individual shall be relieved from any condition of pretrial release;
 - (b) the court shall refund any monetary bail in accordance with Subsection 77-20-402(5); and
 - (c) if a bail bond was used to post monetary bail, the bail bond shall be exonerated without further order of the court.

- (2) A request to extend time shall:
 - (a) be served on:
 - (i) the individual and the individual's attorney; and
 - (ii) if a bail bond was used to post monetary bail, the surety; and
 - (b) except as provided in Subsection (3), be granted for a period of up to 60 days.
- (3) The magistrate may grant a request to extend time for a period of up to 120 days upon a showing of good cause.
- (4) Nothing in this section prohibits the filing of charges against an individual at any time.

Amended by Chapter 408, 2023 General Session

77-20-209 Right to expedited appeal of pretrial detention.

If a magistrate or judge issues a pretrial status order that orders the individual be detained during the time the individual awaits trial or other resolution of criminal charges, the individual has the right to an expedited appeal of the pretrial status order.

Enacted by Chapter 408, 2023 General Session

Part 3
Postconviction Bail

77-20-301 Grounds for detaining or releasing defendant on conviction and prior to sentence.

- (1) Upon conviction, by plea or trial, the court shall order that the convicted defendant who is waiting imposition or execution of sentence be detained, unless the court finds, by clear and convincing evidence, presented by the defendant that the defendant:
 - (a) is not likely to flee the jurisdiction of the court if released; and
 - (b) will not pose a danger to the physical, psychological, or financial and economic safety or well-being of any other person or the community if released.
- (2) If the court finds the defendant does not need to be detained, the court shall order the release of the defendant on suitable conditions, including conditions of release described in Subsection 77-20-205(5).

Amended by Chapter 408, 2023 General Session

77-20-302 Grounds for detaining defendant while appealing the defendant's conviction -- Conditions for release while on appeal.

- (1) The court shall order that a defendant who has been found guilty of an offense in a court of record and sentenced to a term of imprisonment in jail or prison, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the court finds:
 - (a) the appeal raises a substantial question of law or fact likely to result in:
 - (i) reversal;
 - (ii) an order for a new trial; or
 - (iii) a sentence that does not include a term of imprisonment in jail or prison;
 - (b) the appeal is not for the purpose of delay; and
 - (c) by clear and convincing evidence presented by the defendant, that the defendant:

- (i) is not likely to flee the jurisdiction of the court if released; and
 - (ii) will not pose a danger to the physical, psychological, or financial and economic safety or well-being of any other person or the community if released.
- (2)
- (a) If the court makes a finding under Subsection (1) that justifies not detaining the defendant, the court shall order the release of the defendant, subject to only conditions of release that are reasonably available and necessary to reasonably ensure the appearance of the defendant as required and the safety of any other individual, property, and the community.
 - (b) The conditions under Subsection (2)(a) may include conditions described in Subsection 77-20-205(5).
 - (c) The court may, in the court's discretion, amend an order granting release to impose additional or different conditions of release.
- (3) If the defendant is found guilty of an offense in a court not of record and files a timely notice of appeal in accordance with Subsection 78A-7-118(2) for a trial de novo, the court shall stay all terms of a sentence, unless at the time of sentencing the judge finds by a preponderance of the evidence that the defendant poses a danger to another person or the community.
- (4) If a stay is ordered, the court may order postconviction restrictions on the defendant's conduct as appropriate, including:
- (a) continuation of any pretrial restrictions or orders;
 - (b) sentencing protective orders under Section 78B-7-804;
 - (c) drug and alcohol use;
 - (d) use of an ignition interlock; and
 - (e) posting appropriate monetary bail.
- (5) The provisions of Subsections (3) and (4) do not apply to convictions for an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
- (6) Any stay authorized by Subsection (3) is lifted upon the dismissal of the appeal by the district court.

Amended by Chapter 113, 2023 General Session
Amended by Chapter 408, 2023 General Session

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

Part 5 Bail Surety

77-20-501 Liability on a bail bond -- Failure to appear -- Notice to surety.

- (1)
 - (a) Unless exonerated under Subsection 77-20-504(5), the principal and the surety on a bail bond are liable on the bail bond during all proceedings and for all court appearances required of the defendant up to and including the surrender of the defendant for sentencing, regardless of any contrary provision in the bail bond agreement.
 - (b) Any failure of the defendant to appear when required is a breach of the conditions of the bail bond and subjects the bail bond to forfeiture regardless of whether notice of the required appearance was given to the surety.
- (2)
 - (a) If a defendant, who has posted monetary bail by a bail bond, fails to appear before the appropriate court as required, the court shall:
 - (i) within 28 days after the day on which the defendant fails to appear, issue a bench warrant that includes the original case number; and
 - (ii) direct the clerk of the court to notify the surety of the defendant's failure to appear.
 - (b) The clerk of the court shall:
 - (i) email notice of the defendant's failure to appear to the surety at the email address provided on the bond;
 - (ii) notify the surety as listed on the bail bond of the name, address, and telephone number of the prosecuting attorney;
 - (iii) email a copy of the notice sent under Subsection (2)(b)(i) to the prosecuting attorney's office at the same time notice is sent under Subsection (2)(b)(i); and
 - (iv) ensure that the name, address, business email address, and telephone number of the surety or the surety's agent as listed on the bail bond is stated on the bench warrant.
- (3) The prosecuting attorney may email notice of the defendant's failure to appear to the address of the surety as listed on the bail bond within 35 days after the day on which the defendant fails to appear.
- (4)
 - (a)

- (i) If a defendant appears in court within seven days after a missed, scheduled court appearance, the court may reinstate the bail bond without further notice to the surety.
- (ii) If the defendant, while in custody, appears on the case for which the bail bond was posted, the court may not reinstate the bail bond without the consent of the bail bond company.
- (b) If a defendant fails to appear within seven days after a scheduled court appearance, the court may not reinstate the bail bond without the consent of the surety.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-502 Time for bringing defendant to court -- Defendant in custody in another jurisdiction -- Notice to prosecuting attorney.

- (1)
 - (a) If notice of a defendant's failure to appear is emailed to a surety under Section 77-20-501, the surety may bring the defendant before the court, or surrender the defendant into the custody of a county sheriff within the state, within 180 days after the day on which the defendant failed to appear in court as required.
 - (b) A forfeiture action may not be brought during the 180-day time period described in Subsection (1)(a).
- (2) A surety may request an extension of the 180-day time period in Subsection (1) if the surety within that time:
 - (a) files a motion for extension with the court; and
 - (b) mails the motion for extension and a notice of hearing on the motion to the prosecuting attorney.
- (3) The court may extend the 180-day time period in Subsection (1) for no more than 30 days if:
 - (a) the surety has complied with Subsection (2); and
 - (b) the court finds good cause.
- (4) If a surety is unable to bring a defendant to the court because the defendant is and will be in the custody of authorities of another jurisdiction, the surety shall:
 - (a) notify the court and the prosecuting attorney; and
 - (b) provide the name, address, and telephone number of the custodial authority.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-503 Surrender of defendant by surety -- Arrest of defendant.

- (1)
 - (a)
 - (i) A surety may at any time prior to a defendant's failure to appear, surrender the defendant and obtain an exoneration of the bail bond by notifying the clerk of the court in which the bail bond was posted of the defendant's surrender and requesting exoneration.
 - (ii) Notification shall be made immediately following the surrender by mail, email, or fax.
 - (b) To effect surrender of the defendant, a certified copy of the surety's bail bond from the court in which the bail bond was posted or a copy of the bail bond agreement with the defendant shall be delivered to the on-duty jailer, who shall:
 - (i) detain the defendant in the on-duty jailer's custody as upon a commitment; and
 - (ii) in writing acknowledge the surrender upon the copy of the bail bond or bail bond agreement.
 - (c) The certified copy of the bail bond or copy of the bail bond agreement upon which the acknowledgment of surrender is endorsed shall be filed with the court.
 - (d) Upon a filing described in Subsection (1)(c), the court, upon proper application, may:

- (i) exonerate the bail bond; and
 - (ii) order a refund of any paid premium, or part of a premium, as the court finds just.
- (2) For the purpose of surrendering the defendant, the surety may:
- (a) arrest the defendant:
 - (i) at any time before the defendant is finally exonerated; and
 - (ii) at any place within the state; and
 - (b) surrender the defendant to any county jail booking facility in Utah.
- (3) An arrest under this section is not a basis for exoneration of the bail bond under Section 77-20-504.
- (4) A surety acting under this section is subject to Title 53, Chapter 11, Bail Bond Recovery Act.

Renumbered and Amended by Chapter 4, 2021 Special Session 2

77-20-504 Exoneration of a bail bond.

- (1) The court shall exonerate a bail bond if:
- (a)
 - (i) a defendant, who has posted monetary bail by a bail bond, fails to appear before the appropriate court as required;
 - (ii) notice of the defendant's failure to appear is not emailed to the surety as listed on the bail bond as described in Subsection 77-20-501(2) or (3); and
 - (iii) the surety's current name and email address, or the bail bond agency's current name and email address, are listed on the bail bond in the court's file;
 - (b) the defendant is arrested and booked into a county jail booking facility pursuant to a warrant for failure to appear on the original charges for which the bail bond was issued and the surety provides written proof of the arrest and booking to the court and the prosecuting attorney;
 - (c) the court recalls a warrant for failure to appear due to the defendant's having paid the fine and before entry of a judgment of forfeiture of the bail bond;
 - (d) the surety provides written proof to the court and the prosecuting attorney that the defendant is in custody and the surety has served the defendant's bail bond revocation on the custodial authority; or
 - (e) unless the court makes a finding of good cause why the bail bond should not be exonerated:
 - (i) the surety has delivered the defendant to the county jail booking facility in the county where the original charge or charges are pending;
 - (ii) the defendant has been released on a bail bond secured from a subsequent surety for the original charge and the failure to appear;
 - (iii) after an arrest, the defendant has escaped from jail or has been released on the defendant's own recognizance under a court order regulating jail capacity or by a sheriff's release under Section 17-22-5.5;
 - (iv) the surety has transported or agreed to pay for the transportation of the defendant from a location outside of the county back to the county where the original charge is pending and the payment is in an amount equal to the cost of government transportation under Section 76-3-201; or
 - (v) the surety demonstrates, by a preponderance of the evidence, that:
 - (A) at the time the surety issued the bail bond, the surety made reasonable efforts to determine that the defendant was legally present in the United States;
 - (B) a reasonable person would have concluded, based on the surety's determination, that the defendant was legally present in the United States; and

- (C) the surety has failed to bring the defendant before the court because the defendant is in federal custody or has been deported.
- (2) Under circumstances not otherwise provided for in Subsection (1), the court may exonerate the bail bond if the court finds:
- (a) that the prosecuting attorney has been given reasonable notice of a surety's motion to exonerate the bail bond; and
 - (b) there is good cause for the bail bond to be exonerated.
- (3) If a surety's bail bond has been exonerated under Subsection (1) or (2) and the surety remains liable for the cost of transportation of the defendant, the surety may take custody of the defendant for the purpose of transporting the defendant to the jurisdiction where the charge is pending.
- (4) If the defendant is subject to extradition or other means by which the state can return the defendant to law enforcement custody within the court's jurisdiction, and the surety gives notice under Subsection 77-20-502(4)(a), the surety's bail bond shall be exonerated:
- (a) if the prosecuting attorney elects in writing not to extradite the defendant immediately; and
 - (b) if the prosecuting attorney elects in writing to extradite the defendant, to the extent the bail bond exceeds the reasonable, actual, or estimated costs to extradite and return the defendant to law enforcement custody within the court's jurisdiction, upon the occurrence of the earlier of:
 - (i) the prosecuting attorney's lodging a detainer on the defendant; or
 - (ii) 60 days after the day on which the surety gives notice to the prosecuting attorney under Subsection 77-20-502(4)(a) if the defendant remains in custody of the same authority during that 60-day time period.
- (5)
- (a) Except as provided in Subsection (6), the court shall exonerate the bail bond, without motion, upon sentencing the defendant.
 - (b) If the defendant's sentence includes commitment to a jail or prison, the court shall exonerate the bail bond when the defendant appears at the appropriate jail or prison, unless the judge does not require the defendant to begin the commitment within seven days, in which case the bail bond is exonerated upon sentencing.
 - (c) For purposes of this Subsection (5), an order of the court accepting a plea in abeyance agreement and holding that plea in abeyance in accordance with Title 77, Chapter 2a, Pleas in Abeyance, is considered to be the same as a sentencing upon a guilty plea.
 - (d) Any suspended or deferred sentencing is not the responsibility of the surety and the bail bond is exonerated without any motion, upon acceptance of the court and the defendant of a plea in abeyance, probation, fine payments, post sentencing reviews, or any other deferred sentencing reviews or any other deferred sentencing agreement.
- (6) If a surety issues a bail bond after sentencing, the surety is liable on the bail bond during all proceedings and for all court appearances required of the defendant up to and including the defendant's appearance to commence serving the sentence imposed under Subsection (5).

Enacted by Chapter 4, 2021 Special Session 2

77-20-505 Forfeiture of a bail bond.

- (1) If a surety fails to bring the defendant before the court within the time period described in Section 77-20-502, the prosecuting attorney may request the forfeiture of the bail bond by:
- (a) filing a motion for bail bond forfeiture with the court, supported by proof of notice to the surety of the defendant's failure to appear; and

- (b) emailing a copy of the motion to the surety.
- (2) A court shall enter judgment of bail bond forfeiture without further notice if the court finds, by a preponderance of the evidence:
 - (a) the defendant failed to appear as required;
 - (b) the surety was given notice of the defendant's failure to appear in accordance with Section 77-20-501;
 - (c) the surety failed to bring the defendant to the court within the 180-day time period under Section 77-20-502; and
 - (d) the prosecuting attorney has complied with the notice requirements under Subsection (1).
- (3) If the surety shows, by a preponderance of the evidence, that the surety has failed to bring the defendant before the court because the defendant is deceased through no act of the surety, the court may not enter judgment of bail bond forfeiture and the bail bond is exonerated.
- (4)
 - (a) The amount of bail forfeited is the face amount of the bail bond, but if the defendant is in the custody of another jurisdiction and the state extradites or intends to extradite the defendant, the court may reduce the amount forfeited to the actual or estimated costs of returning the defendant to the court's jurisdiction.
 - (b) A judgment under Subsection (5) shall:
 - (i) identify the surety against whom judgment is granted;
 - (ii) specify the amount of monetary bail forfeited;
 - (iii) grant the forfeiture of the bail bond; and
 - (iv) be docketed by the clerk of the court in the civil judgment docket.
- (5) A prosecuting attorney may immediately commence collection proceedings to execute a judgment of bail bond forfeiture against the assets of the surety.

Renumbered and Amended by Chapter 4, 2021 Special Session 2