

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

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

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

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

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

130                   (i) ~~the statewide warrant system~~ ~~H→~~ ; [; and]

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

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

135                   [f] (2) [f] ~~[3]~~ ~~H→~~ The prosecutor may mail notice of nonappearance by  
135a certified mail, return  
136 receipt requested, to the address of the surety as listed on the bond within 37 days after the date  
137 of the defendant's failure to appear.

138                   ~~H→~~ [f] (3) [f] ~~[4]~~ ~~H→~~ If notice of nonappearance is not mailed to a surety as listed on  
138a the bond, other  
139 than the defendant, in accordance with Subsection (1) or ~~[2]~~ (3), the surety and its agent are  
140 relieved of further obligation under the bond without motion if the surety's current name and  
141 address or the current name and address of the surety's agent are on the bail bond in the court's  
142 file.

143                   ~~H→~~ [f] (4) [f] ~~[5]~~ ~~H→~~ (a) (i) If a defendant appears in court within seven calendar days  
143a after a  
144 missed, scheduled court appearance, the court may reinstate the bond without further notice to  
145 the bond company.

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

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

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

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

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

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

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

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

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

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

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

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

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

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Office of Legislative Research and General Counsel