

121 the nonappearance. The clerk of the court shall:

122 (a) mail notice of nonappearance by certified mail, return receipt requested, within 30  
123 days to the address of the surety;

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

126 (c) deliver a copy of the notice sent under Subsection (1)(a) to the prosecutor's office at  
127 the same time notice is sent under Subsection (1)(a); ~~and~~

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

130 (e) mail notice of the failure to appear to the bail agent if the surety is different than the  
131 producer's agent~~[-]; and~~

132 (f) enter the bench warrant ~~H→~~ [:

133 ~~(i) ←H~~ on the statewide warrant system ~~H→~~ [; and

134 ~~(ii) with the National Crime Information Center, if the offense is a felony] ←H~~ .

135 (2) A bond shall be exonerated if the bench warrant is not entered on the statewide  
136 warrant system ~~H→~~ ~~[or a felony bench warrant is not entered with the National Crime Information~~  
137 ~~Center under Subsection (1)(f)] ←H~~ .

138 ~~[(2)]~~ (3) The prosecutor may mail notice of nonappearance by certified mail, return  
139 receipt requested, to the address of the surety as listed on the bond within 37 days after the date  
140 of the defendant's failure to appear.

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

146 ~~[(4)]~~ (5) (a) (i) If a defendant appears in court within seven calendar days after a  
147 missed, scheduled court appearance, the court may reinstate the bond without further notice to  
148 the bond company.

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

151 (b) If a defendant fails to appear within seven calendar days after a scheduled court

183 pending.

184 Section 4. Section **77-20b-102** is amended to read:

185 **77-20b-102. Time for bringing defendant to court.**

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

190 [~~(2) A surety may request an extension of the six-month time period in Subsection (1),~~  
191 ~~if the surety within that time:]~~

192 [~~(a) files a motion for extension with the court; and]~~

193 [~~(b) mails the motion for extension and a notice of hearing on the motion to the~~  
194 ~~prosecutor:]~~

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

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

198 **77-20b-105. Revocation of bond.**

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

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

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

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**