

121           [(8)] (7) "Indemnitor" means an entity or natural person [~~who~~] that enters into an  
 122 agreement with a bail bond [~~surety~~] agency to hold the bail bond [~~surety~~] agency harmless from  
 123 loss incurred as a result of executing a bail bond.

124           [(9)] (8) "Liquid assets" means financial holdings that can be converted into cash in a  
 125 timely manner without the loss of principal.

126           (9) "Premium" means the specified monetary amount used to purchase a bail bond.

127           (10) "Principal" means [~~an individual or corporation whose performance is guaranteed~~  
 128 ~~by bond.~~] a person that:

129           (a) guarantees the performance of a bail bond; or

130           (b) owns \$→ not ←\$ less than 10% of the bail bond agency.

131           (11) "Surety insurer" means an insurer that:

132           (a) is licensed under Chapter 4, Insurers in General, Chapter 5, Domestic Stock and  
 133 Mutual Insurance Corporations, or Chapter 14, Foreign Insurers;

134           (b) receives a certificate under this title; and

135           (c) [~~issues~~] sells bail bonds in connection with judicial proceedings.

136           (12) "Utah depository institution" [~~is~~] means a depository institution, as defined in  
 137 Section 7-1-103, that:

138           (a) has Utah as its home state; or

139           (b) operates a branch in Utah.

140           Section 2. Section **31A-35-103** is amended to read:

141           **31A-35-103. Exemption from other provisions of this title.**

142           Bail bond [~~surety companies~~] agencies are exempted from:

143           (1) Chapter 3, Department Funding, Fees, and Taxes, except Section 31A-3-103;

144           (2) Chapter 4, Insurers in General, except Sections 31A-4-102, 31A-4-103, 31A-4-104,  
 145 and 31A-4-107;

146           (3) Chapter 5, Domestic Stock and Mutual Insurance Corporations, except Section  
 147 31A-5-103;

148           (4) Chapter 6a, Service Contracts;

149           (5) Chapter 6b, Guaranteed Asset Protection Waiver Act;

150           [(5)] (6) Chapter 7, Nonprofit Health Service Insurance Corporations;

151           [(6)] (7) Chapter 8, Health Maintenance Organizations and Limited Health Plans;

245 (v) sanctions for unprofessional conduct;  
 246 (c) screen:  
 247 (i) bail bond [~~surety company~~] agency license applications; and  
 248 (ii) persons applying for a bail bond [~~surety company~~] agency license; and  
 249 (d) recommend to the commissioner action regarding the granting, renewing,  
 250 suspending, revoking, and reinstating of bail bond ~~§~~→ [~~surety company~~] agency ←~~§~~ license.

251 (2) The board may:

252 (a) conduct investigations of allegations of unprofessional conduct on the part of  
 253 persons or bail bond [~~sureties~~] agencies involved in the business of bail bond [~~surety~~]  
 254 insurance; and

255 (b) provide the results of the investigations described in Subsection (2)(a) to the  
 256 commissioner with recommendations for:

257 (i) action; and

258 (ii) any appropriate sanctions.

259 Section 6. Section **31A-35-301** is amended to read:

260 **31A-35-301. The commissioner's authority.**

261 (1) The commissioner shall:

262 (a) make rules as necessary for the administration of this chapter;

263 (b) with information as provided by the board, issue or deny licensure under this  
 264 chapter;

265 (c) take action regarding a license, including suspension or revocation; and

266 (d) maintain and publish a current list of licensed bail bond [~~surety companies~~]  
 267 agencies and bail bond producers.

268 (2) The commissioner may establish fees for the issuance, renewal, and reinstatement  
 269 of a bail bond [~~surety company~~] agency license in accordance with Section 63J-1-504.

270 Section 7. Section **31A-35-401** is amended to read:

271 **31A-35-401. Requirement for license or certificate of authority -- Process -- Fees**  
 272 **-- Limitations.**

273 (1) (a) A person may not engage in the bail bond [~~surety~~] insurance business unless that  
 274 person:

275 (i) is a bail bond [~~surety company~~] agency licensed under this chapter;

307 (a) the exact details of the character and nature of the experience on a form provided by  
308 the department;

309 (b) a statement by each employer verifying the number of hours the applicant worked  
310 for the employer; and

311 (c) (i) federal income reporting forms that account for the wages for hours claimed or  
312 documented approval of the claimed hours by the insurance commissioner; and

313 (ii) the total of 2,000 hours may be proved in part by federal income reporting forms  
314 and in part by approval by the insurance commissioner.

315 (3) The burden of proving the hours of experience as required in this section is upon  
316 the applicant.

317 Section 9. Section **31A-35-402** is amended to read:

318 **31A-35-402. Authority related to bail bonds.**

319 (1) A bail bond [~~surety company~~] agency may only [~~issue~~] sell bail bonds.

320 (2) In accordance with Section 31A-23a-205, a bail bond producer may not execute or  
321 issue a bail bond in this state without holding a current appointment from a [~~bail bond~~] surety  
322 insurer or a current designation from a bail bond [~~company~~] agency.

323 (3) A bail bond surety agency or ~~Ŝ~~→ surety ←~~Ŝ~~ insurer may not allow any person who is  
323a not a bail

324 bond producer to engage in the bail bond ~~Ŝ~~→ [surety] ←~~Ŝ~~ insurance business on the bail bond  
324a [surety's]

325 agency's or ~~Ŝ~~→ surety ←~~Ŝ~~ insurer's behalf, except for individuals:

326 (a) employed solely for the performance of clerical, stenographic, investigative, or  
327 other administrative duties that do not require a license as:

328 (i) a bail bond [~~surety company~~] agency; or

329 (ii) a bail bond producer; and

330 (b) whose compensation is not related to or contingent upon the number of bail bonds  
331 written.

332 Section 10. Section **31A-35-404** is amended to read:

333 **31A-35-404. Minimum financial requirements for bail bond agency license.**

334 (1) (a) A bail bond [~~surety company~~] agency that pledges the assets of a letter of credit  
335 from a Utah depository institution in connection with a judicial proceeding shall maintain an  
336 irrevocable letter of credit with a minimum face value of \$300,000 assigned to the state from a  
337 Utah depository institution.

338 (b) Notwithstanding Subsection (1)(a), a bail bond [~~surety company~~] agency described  
 339 in Subsection (1)(a) that is licensed under this chapter as of December 31, 1999, shall maintain  
 340 an irrevocable letter of credit with a minimum face value of \$250,000 assigned to the state  
 341 from a Utah depository institution.

342 (2) (a) A bail bond [~~surety company~~] agency that pledges personal or real property, or  
 343 both, as security for a bail bond in connection with a judicial proceeding shall maintain:

344 (i) (A) a ~~Ŝ~~ **→ [current]** ~~←Ŝ~~ financial statement **Ŝ** **→ for the current year** ~~←Ŝ~~ :

345 (I) reviewed by a certified public accountant; and

346 (II) showing a net worth of at least \$300,000, at least \$100,000 of which is in liquid  
 347 assets; or

348 (B) notwithstanding Subsection (2)(a)(i), if the bail bond [~~surety company~~] agency is  
 349 licensed under this chapter as of December 31, 1999, a current financial statement:

350 (I) reviewed by a certified public accountant; and

351 (II) showing a net worth of at least \$250,000, at least \$50,000 of which is in liquid  
 352 assets;

353 (ii) a copy of the applicant's federal ~~Ŝ~~ **→ and state** ~~←Ŝ~~ income tax ~~Ŝ~~ **→ [return]**  
 353a **returns** ~~←Ŝ~~ for the preceding two years, but

354 only for an original application; and

355 (iii) for each parcel of real property owned by the applicant and included in net worth  
 356 calculations:

357 (A) a title letter or report, or a current abstract of title from the office of the county  
 358 recorder; and

359 (B) [~~an~~] (I) a certified appraisal [dated not more than two years prior to the date of  
 360 application:] made ~~Ŝ~~ **→ [fewer]** **not more** ~~←Ŝ~~ than six months prior to licensure for each parcel and  
 360a a title report

361 that is current as of the date of licensure, if the bail bond agency is in its first year of licensure  
 362 and has pledged real property owned by the applicant; or

363 (II) a certified appraisal report or a current tax notice and ~~Ŝ~~ **→ a** ~~←Ŝ~~ title letter or report, or a  
 364 current abstract of title from the county recorder if the bail bond agency is in its second or  
 365 subsequent year of licensure and has pledged real property owned by the applicant.

366 (b) For purposes of this Subsection (2), only real or personal property located in Utah  
 367 may be included in the net worth of the bail bond [~~surety company~~] agency.

368 (3) A bail bond [~~surety company~~] agency shall maintain a qualifying power of attorney

400 Administrative Procedures Act.

401 Section 12. Section **31A-35-406** is amended to read:

402 **31A-35-406. Renewal and reinstatement.**

403 (1) (a) A license under this chapter expires ~~§~~ → [f] annually [f] ← ~~§~~ on August 14. To  
403a renew its

404 license under this chapter, on or before July 15 a bail bond ~~§~~ → [surety company] agency ← ~~§~~ shall:

405 (i) complete and submit a renewal application to the department; [and]

406 (ii) require that a principal of the agency attends at least one board meeting each year;

407 and

408 [~~iii~~] (iii) pay the department the applicable renewal fee established in accordance with

409 Section 31A-3-103.

410 (b) A bail bond [surety company] agency shall renew its license under this chapter  
411 annually as established by department rule, regardless of when the license is issued.

412 (2) A bail bond [surety company] agency may apply for reinstatement of an expired  
413 bail bond [surety company] agency license within one year following the expiration of the  
414 license under Subsection (1) by:

415 (a) submitting the renewal application required by Subsection (1); and

416 (b) paying a license reinstatement fee established in accordance with Section

417 31A-3-103.

418 (3) If a bail bond [surety company] agency license has been expired for more than one  
419 year, the person applying for reinstatement of the bail bond [surety] agency license shall:

420 (a) submit a new application form to the commissioner; and

421 (b) pay the application fee established in accordance with Section 31A-3-103.

422 (4) If a bail bond [surety company] agency license is suspended, the applicant may not  
423 submit an application for a bail bond [surety company] agency license until after the end of the  
424 period of suspension.

425 (5) A fee collected under this section shall be deposited in the restricted account  
426 created in Section 31A-35-407.

427 Section 13. Section **31A-35-407** is amended to read:

428 **31A-35-407. Restricted account.**

429 (1) There is created within the General Fund a restricted account known as the "Bail  
430 Bond [Surety] Administration Account."

- 431 (2) (a) The account shall be funded from the fees imposed under this chapter.  
 432 (b) The department shall deposit all fees collected under this part [in] into the account.  
 433 (c) The funds in the account shall be used by the department to administer this chapter.  
 434 (d) The account shall earn interest, which shall be deposited [in] into the account.

435 (3) The department shall ~~§→, ←§~~ at the end of each quarter ~~§→, ←§~~ provide to the  
 435a board an itemized  
 436 accounting that includes the balances at the beginning and the end of the quarter. The  
 437 department shall provide the report no later than the 30th day of the month subsequent to the  
 438 last month of the required quarterly report.

439 Section 14. Section **31A-35-501** is amended to read:

440 **31A-35-501. Emergency action regarding a license.**

441 (1) If the commissioner determines, based on an investigation, that the public health,  
 442 safety, or welfare requires emergency action, the commissioner may order a summary  
 443 suspension of a bail bond [~~surety company~~] agency license pending proceedings for revocation  
 444 or other action.

445 (2) The order described in Subsection (1) shall:

446 (a) state the grounds upon which the summary suspension is issued, including the  
 447 charges made against the licensee; and

448 (b) advise the licensee of the right to an administrative hearing before the commissioner  
 449 within 60 days after the summary suspension is ordered.

450 Section 15. Section **31A-35-502** is amended to read:

451 **31A-35-502. Notification of violation of chapter.**

452 If the commissioner has reason to believe a person licensed as a bail bond [~~surety~~  
 453 ~~company~~] agency, surety insurer, or [a] bail bond producer has violated this chapter, written  
 454 notice shall be sent to that person, advising the person of:

455 (1) the alleged violation;

456 (2) the commissioner's authority to take action against the person's license;

457 (3) the person's right to an administrative hearing under Title 63G, Chapter 4,  
 458 Administrative Procedures Act; and

459 (4) the period of time within which the hearing described in Subsection (3) shall be  
 460 requested if the person requests a hearing.

461 Section 16. Section **31A-35-503** is amended to read:

586 (ii) a business email address.

587 (d) A bail bond [~~surety company~~] agency shall notify the commissioner within 20 days  
588 of a change in the bail bond [~~surety company's~~] agency's:

589 (i) place of business address;

590 (ii) telephone number; ~~§→~~ [or] and ~~←§~~

591 (iii) business email address.

592 ~~§→~~ [(e) All forms required to be filed with the department pursuant to Section 31A-35-607-  
593 by the bail bond agency shall contain the address, telephone number, and business email  
594 address as changed under Subsection (1)(d) within 20 days of the change.

595 ~~—~~[ (e) ~~[(f)]~~ ~~←§~~ This section does not prohibit a bail bond [~~surety company~~] agency from  
596 maintaining the place of business required under this section in the licensee's residence, if the  
597 residence is in Utah.

598 (2) The bail bond [~~surety company~~] agency shall keep at the place of business  
599 described in Subsection (1)(a) the records required under Section 31A-35-604.

600 Section 20. Section **31A-35-603** is amended to read:

601 **31A-35-603. Collateral security.**

602 (1) A bail bond producer may accept collateral security in connection with a bail  
603 transaction, if the collateral security is reasonable in relation to the face amount of the bail  
604 bond.

605 (2) (a) The collateral security described in Subsection (1) shall be received by the bail  
606 bond producer in the bail bond producer's fiduciary capacity.

607 (b) Before any judgment of forfeiture of bail, the bail bond producer shall keep the  
608 collateral separate and apart from any other funds or assets of the licensee.

609 (c) All cash collateral shall be recorded and deposited into the bail bond agency's trust  
610 account within three business days after receipt of the cash.

611 (d) All personal property and merchandise collateral shall be recorded in the bail bond  
612 agency's merchandise log within three business days after receipt of the merchandise.

613 (3) (a) Any collateral that is deposited with a bail bond producer or bail bond [~~surety~~]  
614 agency shall be returned to the person who deposited it within 10 days after the return is  
615 requested by the person who deposited it if:

616 (i) the bail bond has been exonerated; and

679 Section 23. Section **31A-35-606** is amended to read:

680 **31A-35-606. Bail agreement prior to commission of offense prohibited.**

681 A bail bond [~~surety~~] agency or bail bond producer may not enter into an agreement or  
682 arrangement with any person, guaranteeing or assuring in advance of the commission of any  
683 offense that bail will be furnished to that person or any other party if arrested.

684 Section 24. Section **31A-35-607** is amended to read:

685 **31A-35-607. Filing of forms -- Commissioner maintains files.**

686 (1) (a) In accordance with Section 31A-21-201, [~~only~~] a bail bond [~~surety company~~]  
687 agency that meets the financial capacity requirements through the use of a letter of credit,  
688 personal property, [~~or~~] real property, or a surety insurer shall file with the commissioner a copy  
689 of each form the bail bond [~~surety company~~] agency or surety insurer uses in the bail bond  
690 [~~surety~~] insurance business.

691 (b) A surety insurer filing shall comply with the following:

692 (i) a form shall be identified by a unique form number;

693 (ii) ~~§~~ → **a form shall include the address, telephone number, and business email address**  
693a **of the bail bond agency and the surety insurer;**

693b ~~(iii)~~ ← ~~§~~ the surety insurer shall file a form on behalf of each bail bond [~~surety company~~]  
694 agency appointed to write on behalf of the surety insurer;

695 ~~§~~ → [~~(iii)~~] ~~(iv)~~ ← ~~§~~ once a filing is filed with the commissioner, it is the responsibility of the  
695a surety  
696 insurer to verify that the bail bond [~~surety company~~] agency and its producers are using the  
697 correct form;

698 ~~§~~ → [~~(iv)~~] ~~(v)~~ ← ~~§~~ a bail bond [~~surety company~~] agency and its ~~§~~ → **bail bond** ← ~~§~~ producers  
698a are prohibited from using a  
699 form that has not been filed by the surety insurer; and

700 ~~§~~ → [~~(v)~~] ~~(vi)~~ ← ~~§~~ a bail bond [~~surety company~~] agency and its ~~§~~ → **bail bond** ← ~~§~~ producers  
700a are prohibited from making  
701 changes to a form that is filed by the surety insurer.

702 (c) A bail bond [~~surety company~~] agency filing, for a bail bond [~~surety company~~]  
703 agency that meets the financial capacity requirements through the use of a letter of credit,  
704 personal property, or real estate, shall comply with the following:

705 (i) a form shall be identified by a unique form number;

706 (ii) ~~§~~ → **a form shall include the address, telephone number, and business email address**  
706a **of the bail bond agency;**



706b            **(iii) ←§** once a filing is filed with the commissioner, it is the responsibility of the bail bond  
707            [~~surety company~~] agency to verify that its bail bond producers are using the correct form;  
708            **§→ [(iii) (iv) ←§** a bail bond producer is prohibited from using a form that has not been  
708a            filed by the  
709            bail bond [~~surety company~~] agency; and

710           ~~§~~→ [(iv)] (v) ←~~§~~ a bail bond producer is prohibited from making changes to a form that is  
710a filed by

711 the bail bond [~~surety company~~] agency.

712           (2) A form described in Subsection (1) shall be filed 30 days before the form:

713           (a) is first used by the bail bond [~~surety company~~] agency or surety insurer; and

714           (b) is changed after it is filed under Subsection (2)(a).

715           (3) (a) The commissioner shall maintain and make available for public inspection a file  
716 regarding each bail bond [~~surety company~~] agency and each surety insurer.

717           (b) A bail bond [~~surety company~~] agency and surety insurer shall maintain a form  
718 required to be filed under this section in the office of the bail bond [~~surety company~~] agency or  
719 surety insurer.

720           Section 25. Section **31A-35-608** is amended to read:

721           **31A-35-608. Premiums and authorized charges.**

722           (1) A bail bond [~~surety~~] agency or bail bond producer may not, in any bail transaction  
723 or in connection with that transaction, directly or indirectly, charge or collect money or other  
724 valuable consideration from any person except to:

725           (a) pay the premium on the bail at the rates established by the bail bond agency or  
726 surety insurer;

727           (b) provide collateral;

728           (c) reimburse [~~himself~~] the ~~§~~→ **bail bond** ←~~§~~ agency or ~~§~~→ **bail bond** ←~~§~~ producer for  
728a actual expenses, as described in

729 Subsection (2), incurred in connection with the bail bond transaction; or

730           (d) [~~to~~] reimburse [~~himself~~] the ~~§~~→ **bail bond** ←~~§~~ agency or ~~§~~→ **bail bond** ←~~§~~ producer,  
730a or to establish a right of action

731 against the principal or any indemnitor, for actual expenses the bail bond [~~surety~~] agency or  
732 bail bond producer incurred:

733           (i) in good faith; and

734           (ii) which were by reason of breach by the defendant of any of the terms of the written  
735 agreement under which the undertaking of bail or bail bond was written.

736           (2) (a) A bail bond [~~surety~~] agency or surety insurer may bring an action in a court of  
737 law to enforce its equitable rights against the principal and the principal's indemnitors in  
738 exoneration if:

739           (i) a bail bond producer did not establish a written agreement; or

740           (ii) there is only an incomplete writing.

741 (b) Reimbursement claimed under this Subsection (2) may not exceed the sum of:

742 (i) the principal sum of the bail bond or undertaking; and

743 (ii) any reasonable expenses that:

744 (A) are verified by receipt;

745 (B) in total do not amount to more than the principal sum of the bail bond or  
746 undertaking; and

747 (C) are incurred in good faith by the bail bond [surety] agency, its bail bond producers,  
748 and the ~~§~~ → **bail bond** ← ~~§~~ agency's employees by reason of the principal's breach.

749 (3) This section does not affect or impede the right of a bail bond producer to execute  
750 undertaking of bail on behalf of a nonresident producer of the bail bond agency or surety  
751 insurer the bail bond producer represents.

752 (4) A bail bond agency or surety insurer shall maintain complete records of all current  
753 and closed accounts receivable regarding financed premiums for the current calendar year and  
754 the three prior years.

755 (5) If the bail amount on the original charge is increased by the court, the bail premium  
756 paid on the original bond may be applied to the bail premium due on the increased bail amount  
757 for that charge.

758 Section 26. Section **31A-35-701** is amended to read:

759 **31A-35-701. Prohibited acts.**

760 (1) A bail bond producer or bail bond [surety] agency may not:

761 (a) solicit business in or about:

762 (i) any place where persons in the custody of the state or any local law enforcement or  
763 correctional agency are confined; or

764 (ii) any court;

765 (b) pay a fee or rebate or give or promise anything of value to any person in order to  
766 secure a settlement, compromise, remission, or reduction of the amount of any undertaking or  
767 bail bond;

768 (c) pay a fee or rebate or give anything of value to an attorney in regard to any bail  
769 bond matter, except payment for legal services actually rendered for the bail bond producer or  
770 bail bond [surety] agency;

771 (d) pay a fee or rebate or give or promise anything of value to the principal or anyone

834 (ii) certificate, if the person is a surety insurer; and

835 (b) imposition of civil penalties, as authorized under Title 31A, Chapter 2,

836 Administration of the Insurance Laws.

837 (2) Penalties collected under this section shall be deposited in the restricted account

838 created in Section 31A-35-407.

839 Section 29. Section **31A-35-704** is amended to read:

840 **31A-35-704. Submission of bail bond agencies and producers to jurisdiction of**  
841 **court.**

842 By applying for and receiving a license or certificate to engage in the bail bond [surety]  
843 insurance business in accordance with this chapter, a bail bond ~~§~~→ [surety] agency ←~~§~~ or bail  
843a bond producer:

844 (1) submits to the jurisdiction of the court;

845 (2) irrevocably appoints the clerk of the court as agent upon whom any papers affecting

846 the bail bond [surety's] agency's or bail bond producer's liability on the undertaking may be

847 served; and

848 (3) acknowledges that liability may be enforced on motion and upon notice as the court

849 may require, without the necessity of an independent action.

850 Section 30. Section **77-18a-1** is amended to read:

851 **77-18a-1. Appeals -- When proper.**

852 (1) A defendant may, as a matter of right, appeal from:

853 (a) a final judgment of conviction, whether by verdict or plea;

854 (b) an order made after judgment that affects the substantial rights of the defendant;

855 (c) an order adjudicating the defendant's competency to proceed further in a pending

856 prosecution; or

857 (d) an order denying bail, as provided in Subsection 77-20-1[~~(7)~~](8).

858 (2) In addition to any appeal permitted by Subsection (1), a defendant may seek

859 discretionary appellate review of any interlocutory order.

860 (3) The prosecution may, as a matter of right, appeal from:

861 (a) a final judgment of dismissal, including a dismissal of a felony information

862 following a refusal to bind the defendant over for trial;

863 (b) a pretrial order dismissing a charge on the ground that the court's suppression of

864 evidence has substantially impaired the prosecution's case;

927 hearing or any other pretrial hearing.

928 (c) The magistrate or court may rely on information as provided in Subsection [~~(4)~~] (5)  
 929 and may base its ruling on evidence provided at the hearing so long as each party is provided  
 930 an opportunity to present additional evidence or information relevant to bail.

931 [~~(6)~~] (7) Subsequent motions to modify bail orders may be made only upon a showing  
 932 that there has been a material change in circumstances.

933 [~~(7)~~] (8) An appeal may be taken from an order of any court denying bail to the  
 934 Supreme Court, which shall review the determination under Subsection [~~(1)~~] (2).

935 [~~(8)~~] (9) For purposes of this section, any arrest or charge for a violation of Section  
 936 76-5-202, Aggravated murder, is a capital felony unless:

937 (a) the prosecutor files a notice of intent to not seek the death penalty; or

938 (b) the time for filing a notice to seek the death penalty has expired and the prosecutor  
 939 has not filed a notice to seek the death penalty.

940 Section 32. Section 77-20-3 is amended to read:

941 **77-20-3. Release on own recognizance -- Changing amount of bail or conditions**  
 942 **of release.**

943 (1) Any person who may be admitted to bail may likewise be released on [~~his~~] the  
 944 person's own recognizance in the discretion of the magistrate or court.

945 (2) After releasing the defendant on [~~his~~] the defendant's own recognizance or  
 946 admitting the defendant to bail, the magistrate or court may:

947 (a) impose bail or increase or decrease the amount of the bail; and

948 (b) impose or change the conditions of release under Subsection 77-20-1[~~(2)~~](3).

949 Section 33. Section 77-20-4 is amended to read:

950 **77-20-4. Bail to be posted in cash, by credit or debit card, or by written**  
 951 **undertaking.**

952 (1) Bail may be posted:

953 (a) in cash;

954 (b) by written undertaking with or without ~~it~~ → [f] sureties [f] ~~[a bail bond]~~ ← ~~it~~

954a at the discretion of the

955 magistrate; or

956 (c) by credit or debit card, at the discretion of the judge or bail commissioner.

957 (2) Bail may not be accepted without receiving in writing at the time the bail is posted

958 the current mailing address [~~and~~], telephone number, and email address of the ~~H~~→ [f] surety [f]  
 959 [~~individual posting bail~~] ←~~H~~ .

960 (3) Bail posted by debit or credit card, less the fee charged by the financial institution,  
 961 shall be tendered to the courts.

962 (4) Bail refunded by the court may be refunded by credit to the debit or credit card, or  
 963 cash. The amount refunded shall be the full amount received by the court under Subsection  
 964 (3), which may be less than the full amount of the bail set by the court.

965 (5) Before refunding bail that is posted by the defendant in cash, by credit card, or by  
 966 debit card, the court may apply the amount posted toward accounts receivable, as defined in  
 967 Section 76-3-201.1, that are owed by the defendant in the priority set forth in Section  
 968 77-38a-404.

969 Section 34. Section ~~77-20-7~~ is amended to read:

970 **77-20-7. Duration of liability on undertaking -- Notices to sureties -- Exoneration**  
 971 **if charges not filed.**

972 (1) (a) Except as provided in Subsection (1)(b), the principal and the sureties on the  
 973 written undertaking are liable on the undertaking during all proceedings and for all court  
 974 appearances required of the defendant up to and including the surrender of the defendant for  
 975 sentencing, irrespective of any contrary provision in the undertaking. Any failure of the  
 976 defendant to appear when required is a breach of the conditions of the undertaking or bail and  
 977 subjects it to forfeiture, regardless of whether or not notice of appearance was given to the  
 978 sureties. Upon sentencing the bail bond shall be exonerated without motion.

979 (b) If the sentence includes a commitment to a jail or prison, the bail bond shall be  
 980 exonerated when the defendant appears at the appropriate jail or prison, unless the judge  
 981 [~~doesn't~~] does not require the defendant to begin the commitment within seven days, in which  
 982 case the bail bond is exonerated upon sentencing.

983 (c) For purposes of this section, an order of the court accepting a plea in abeyance  
 984 agreement and holding that plea in abeyance pursuant to Title 77, Chapter 2a, Pleas in  
 985 Abeyance, is considered to be the same as a sentencing upon a guilty plea.

986 (d) Any suspended or deferred sentencing is not the responsibility of the surety and the  
 987 ~~S~~→ bail ←~~S~~ bond is exonerated without any motion, upon acceptance of the court and the defendant  
 987a of a  
 988 plea in abeyance, probation, fine payments, post sentencing reviews, or any other deferred

1113 (d) use of an ignition interlock; and

1114 (e) posting appropriate bail.

1115 (6) The provisions of Subsections (4) and (5) do not apply to convictions for an offense  
1116 under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

1117 (7) Any stay authorized by Subsection (4) is lifted upon the dismissal of the appeal by  
1118 the district court.

1119 Section 38. Section **77-20b-100** is enacted to read:

1120 **77-20b-100. Definitions.**

1121 As used in this chapter:

1122 (1) "Bail bond agency" means the same as that term is defined in Section 31A-35-102.

1123 (2) "Surety" and "sureties" mean a surety insurer or a bail bond agency.

1124 (3) "Surety insurer" means the same as that term is defined in Section 31A-35-102.

1125 Section 39. Section **77-20b-101** is amended to read:

1126 **77-20b-101. Entry of nonappearance -- Notice to surety -- Release of surety on**  
1127 **failure of timely notice.**

1128 (1) If a defendant who has posted bail fails to appear before the appropriate court as  
1129 required, the court shall within 30 days of the failure to appear issue a bench warrant that  
1130 includes the original case number. The court shall also direct that the surety be given notice of  
1131 the nonappearance. The clerk of the court shall:

1132 (a) mail notice of nonappearance by certified mail, return receipt requested, within 30  
1133 days to the address of the surety;

1134 (b) notify the surety as listed on the bail bond of the name, address, and telephone  
1135 number of the prosecutor;

1136 (c) deliver a copy of the notice sent under Subsection (1)(a) to the prosecutor's office at  
1137 the same time notice is sent under Subsection (1)(a); [~~and~~]

1138 (d) ensure that the name, address, ~~§~~→ **business email address**, ←~~§~~ and telephone number  
1138a of the surety or its agent as

1139 listed on the bail bond is stated on the bench warrant[-]; and

1140 (e) mail notice of the failure to appear to the bail [~~agent if the surety is different than~~  
1141 ~~the producer's agent~~] bond agency and the surety insurer.

1142 (2) The prosecutor may mail notice of nonappearance by certified mail, return receipt  
1143 requested, to the address of the surety as listed on the bail bond within 37 days after the date of

1144 the defendant's failure to appear.

1145 (3) If notice of nonappearance is not mailed to a surety as listed on the bail bond, other  
 1146 than the defendant, in accordance with Subsection (1) or (2), the surety and its [~~agent~~] bail  
 1147 bond producer are relieved of further obligation under the bail bond if the surety's current name  
 1148 and address or the current name and address of the ~~§~~→ [~~surety's agent~~] bail bond agency ←~~§~~ are  
 1148a on the bail bond in the  
 1149 court's file.

1150 (4) (a) (i) If a defendant appears in court within seven days after a missed, scheduled  
 1151 court appearance, the court may reinstate the bail bond without further notice to the [~~bond~~  
 1152 ~~company~~] surety.

1153 (ii) If the defendant, while in custody, appears on the case for which the bail bond was  
 1154 posted, the court may not reinstate the bail bond without the consent of the bond company.

1155 (b) If a defendant fails to appear within seven days after a scheduled court appearance,  
 1156 the court may not reinstate the bail bond without the consent of the surety.

1157 (c) If the defendant is arrested and booked into a county jail booking facility pursuant  
 1158 to a warrant for failure to appear on the original charges and the court is notified of the arrest,  
 1159 or the court recalls the warrant due to the defendant's having paid the fine and prior to entry of  
 1160 judgment of forfeiture, the court shall exonerate the bail bond.

1161 (d) Unless the court makes a finding of good cause why the bond should not be  
 1162 exonerated, it shall exonerate the bail bond if:

1163 (i) the surety has delivered the defendant to the county jail booking facility in the  
 1164 county where the original charge [~~is~~] or charges are pending;

1165 (ii) the defendant has been released on a bond secured from a subsequent surety for the  
 1166 original charge and the failure to appear;

1167 (iii) after an arrest, the defendant has escaped from jail or has been released on the  
 1168 defendant's own recognizance, pursuant to a pretrial release, under a court order regulating jail  
 1169 capacity, or by a sheriff's release under Section 17-22-5.5;

1170 (iv) the surety has transported or agreed to pay for the transportation of the defendant  
 1171 from a location outside of the county back to the county where the original charge is pending,  
 1172 and the payment is in an amount equal to government transportation expenses listed in Section  
 1173 76-3-201; or

1174 (v) the surety demonstrates by a preponderance of the evidence that: