

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Santiago offered the following:

4
 5 **Amendment**

6 Remove lines 39-85 and insert:

7 (2) (a) If there is a failure to appear before the court in
 8 a proceeding for which the surety bond was posted ~~breach of the~~
 9 ~~bond~~, the court shall declare the bond and any bonds or money
 10 deposited as bail forfeited. The clerk of the court shall mail
 11 or electronically transmit a notice to the surety agent and
 12 surety company within 5 days after the forfeiture. A certificate
 13 signed by the clerk of the court or the clerk's designee,
 14 certifying that the notice required herein was mailed or
 15 electronically transmitted on a specified date and accompanied
 16 by a copy of the required notice, shall constitute sufficient
 17 proof that such mailing or electronic transmission was properly

Amendment No. 1

18 accomplished as indicated therein. If such mailing or electronic
19 transmission was properly accomplished as evidenced by such
20 certificate, the failure of the surety agent, of a company, or
21 of a defendant to receive such notice shall not constitute a
22 defense to such forfeiture and shall not be grounds for
23 discharge, remission, reduction, set aside, or continuance of
24 such forfeiture. The forfeiture shall be paid within 60 days
25 after ~~of~~ the date the notice was mailed or electronically
26 transmitted.

27 (b) Failure of the defendant to appear at the time, date,
28 and place of required appearance shall result in forfeiture of
29 the bond. Such forfeiture shall be automatically entered by the
30 clerk upon such failure to appear, and the clerk shall follow
31 the procedures ~~outlined~~ in paragraph (a). However, the court may
32 determine, in its discretion, in the interest of justice, that
33 an appearance by the defendant on the same day as required does
34 not warrant forfeiture of the bond; and the court may direct the
35 clerk to set aside any such forfeiture which may have been
36 entered. Any appearance by the defendant later than the required
37 day constitutes forfeiture of the bond, and the court shall not
38 preclude entry of such forfeiture by the clerk.

39 (c) If there is a forfeiture ~~breach~~ of the bond, the clerk
40 shall provide, upon request, a certified copy of the warrant or
41 capias to the bail bond agent or surety company.

42 (5) The court shall discharge a forfeiture within 60 days
43 upon:

Amendment No. 1

44 (a) A determination that it was impossible for the
45 defendant to appear at the required appearance or within 60 days
46 after the required appearance ~~as required~~ due to circumstances
47 beyond the defendant's control. The potential adverse economic
48 consequences of appearing as required may ~~shall~~ not be
49 considered as constituting a ground for such a determination;

50 (b) A determination that, at the time of the required
51 appearance or within 60 days after the required appearance, the
52 defendant was ~~adjudicated insane~~ and confined in an institution
53 or hospital; ~~or~~ was confined in any county, municipal, state,
54 federal or immigration detention facility ~~a jail or prison; or~~
55 is deceased;
56