

A BILL FOR

An act to repeal sections five thousand five hundred fifteen (5515) (C. C. sec. 9268), five thousand five hundred sixteen (5516) (C. C. sec. 9269) and five thousand five hundred seventeen (5517) (C. C. sec. 9270) of the code, and section five thousand five hundred eighteen (5518) (C. C. sec. 9271) and five thousand five hundred nineteen (5519) (C. C. sec. 9272) of the supplement to the code, 1913, relating to forfeiture of bail, and to enact a substitute therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. That sections five thousand five hundred fifteen
2 (5515) (C. C. 9268), five thousand five hundred sixteen (5516)
3 (C. C. sec. 9269) and five thousand five hundred seventeen (5517) (C. C.
4 sec. 9270) of the code of 1897, and sections five thousand five hun-
5 dred eighteen (5518) (C. C. sec. 9271) and five thousand five hundred
6 nineteen (5519) (C. C. sec. 9272) of the supplement to the code, 1913,
7 be and the same are hereby repealed and the following enacted in lieu
8 thereof:

1 Sec. 2. If the defendant fails to appear for arraignment,
2 trial or judgment, or at any other time when his personal appearance
3 in court is lawfully required, or to surrender himself in execution
4 of the judgment, the court must at once direct an entry of such failure
5 to be made of record and the undertaking of his bail, or the money
6 deposited instead of bail, is thereupon forfeited.

1 Sec. 3. As a part of the entry of forfeiture as herein pro-
2 vided, the court shall direct the sheriff of the county to give ten

3 days' notice in writing by posting or otherwise as directed by the
4 court to the defendant and his sureties to appear and show cause,
5 if any, why judgment should not be entered for the amount of such
6 bail, or money deposited instead of bail.

1 Sec. 4. If the defendant and his sureties fail to appear,
2 judgment shall be entered by the court. If such defendant and his
3 sureties shall appear at the time fixed and offer objections to the
4 entering of such judgment, the court shall set the case down for
5 immediate hearing as an ordinary action; in such hearing the state
6 shall be plaintiff and the defendant and his sureties defendants.
7 The judgment entered by the court either on default or upon trial
8 shall have the same force and effect as any other judgment of such
9 court.

1 Sec. 5. Where forfeiture is entered before a justice of
2 the peace or a court of limited jurisdiction, or before an ex-
3 amining magistrate, such court or officer, upon the forfeiture
4 of the undertaking, shall within ten days file the same together
5 with a copy of all his official entries in relation thereto, in
6 the office of the clerk of the district court of the county; and
7 thereupon it shall be the duty of the clerk of the district court,
8 to direct the sheriff to give notice as herein prescribed for
9 appearance before the district court at the date fixed in such
10 notice, and the district court shall then proceed in the same
11 manner as though such forfeiture had occurred in such court.

1 Sec. 6. Where a forfeiture and judgment has been entered
2 as herein provided and the amount of the judgment has been paid to

3 the clerk, he shall hold the same as funds of his office for a
4 period of sixty days from the date of judgment. Such judgment shall
5 never be set aside unless within sixty days from the date thereof,
6 the defendant shall voluntarily surrender himself to the' sheriff
7 of the county or his bondsmen shall, at their own expense, deliver
8 him to the custody of the sheriff within said time, whereupon the
9 court may, upon application, set aside the judgment and in such event
10 the original appearance bond shall stand and the court may order
11 refund of the amount of the judgment paid into the office of the
12 clerk of the court. Such judgment, however, shall not be set aside
13 unless as a condition precedent thereto the defendant and his sure-
14 ties shall have paid all costs incurred in connection therewith.

1 Sec. 7. The provisions of this act shall in no manner affect
2 pending litigation.

1 Sec. 8. This act being deemed of immediate importance shall
2 be in full force and effect from and after its publication in the Des
3 Moines Register and the Des Moines Capital, newspapers published at
4 Des Moines, Iowa.