

A BILL FOR

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8 hereby repealed and the following enacted in lieu thereof :

9 If the defendant fails to appear for arraignment, trial
10 or judgment, or at any other time when his personal appearance
11 in court is lawfully required, or to surrender himself in
12 execution of the judgment, the court must at once direct an
13 entry of such failure to be made of record and the undertaking
14 of his bail, or the money deposited instead of bail, is
15 thereupon forfeited.

1 Sec. 2. As a part of the entry of forfeiture as herein
2 provided, the court shall direct the sheriff of the county to

3 give ten days' notice in writing 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. If the defendant
7 and his sureties fail to appear, judgment shall be entered by
8 the court. If such defendant and his sureties shall appear at
9 the time fixed and offer objections to the entering of such
10 judgment, the court shall set the case down for immediate
11 hearing as an ordinary action; in such hearing the state shall
12 be plaintiff and the defendant and his sureties defendants.
13 The judgment entered by the court either on default or upon
14 trial shall have the same force and effect as any other judgment
15 of such court.

1 Sec. 3. Where forfeiture is entered before a justice of
2 the peace or a court of limited jurisdiction, or before an
3 examining magistrate, such court or officer, upon the forfeiture
4 of the undertaking, shall within ten days file the same, with a
5 copy of all official entries in relation thereto, in the office
6 of the clerk of the district court of the county; and thereupon
7 it shall be the duty of the clerk of the district court to
8 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. 4. Where a forfeiture and judgment has been entered
2 as herein provided and the amount of the judgment has been paid

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

1 Sec. 5. The provisions of this act shall in no manner
2 affect pending litigation.

1 Sec. 6. This act being deemed of immediate importance
2 shall be in full force and effect from and after its publication
3 in the Des Moines Register and the Des Moines Capital, newspapers
4 published at Des Moines, Iowa.