

811.6 Forfeiture of bail.

1. A defendant released pursuant to [this chapter](#) shall appear at arraignment, trial, judgment, or such other proceedings where the defendant's appearance is required. If the defendant fails to appear at the time and place when the defendant's personal appearance is lawfully required, or to surrender in execution of the judgment, the court must direct an entry of the failure to be made of record, and the undertaking of the defendant's bail, or the money deposited, is thereupon forfeited. As a part of the entry, except as provided in [rule of criminal procedure 2.72](#), the court shall direct the clerk of the district court of the county to give ten days' notice in writing to the defendant and the defendant's sureties to appear and show cause, if any, why judgment should not be entered for the amount of bail. If such appearance is not made, judgment shall be entered by the court. If appearance is made, the court shall set the case down for immediate hearing as an ordinary action.

2. Where a forfeiture and judgment have been entered as provided in [this section](#), and the amount of the judgment has been paid to the clerk, the clerk shall hold the same as funds of the clerk's office for a period of one hundred fifty days from the date of judgment.

3. *a.* The court may, upon application, set aside such judgment if, within one hundred fifty days from the date of the judgment, any of the following occur:

(1) The defendant voluntarily surrenders to the sheriff of the county.

(2) The defendant's sureties, at their own expense, deliver the defendant or facilitate delivery of the defendant to the custody of the sheriff.

(3) The court determines, upon consideration of all circumstances, that setting aside the judgment is warranted.

b. A judgment shall not be set aside under [this subsection](#) unless as a condition precedent thereto, the defendant and the defendant's sureties have paid all costs and expenses incurred in connection with the judgment.

[R60, §4990 – 4994; C73, §4596 – 4600; C97, §5515 – 5517, 5519; C24, 27, 31, 35, 39, §13631, 13633, 13635, 13636; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §766.1 – 766.3, 766.5, 766.6; C79, 81, §811.6]

[2000 Acts, ch 1032, §6; 2013 Acts, ch 54, §2; 2021 Acts, ch 64, §2](#)

Referred to in [§331.653](#), [602.8102\(131\)](#), [811.2](#), [811.9](#)

Subsections 2 and 3 amended