

House Study Bill 535 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to forfeiture of bail.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 811.6, subsection 1, Code 2022, is
2 amended to read as follows:

3 1. A defendant released pursuant to **this chapter** shall
4 appear at arraignment, trial, judgment, or such other
5 proceedings where the defendant's appearance is required.
6 If the defendant fails to appear at the time and place when
7 the defendant's personal appearance is lawfully required, or
8 to surrender in execution of the judgment, the court must
9 direct an entry of the failure to be made of record, and the
10 undertaking of the defendant's bail, or the money deposited,
11 is thereupon forfeited. As a part of the entry, except as
12 provided in **rule of criminal procedure 2.72**, the court shall
13 direct the clerk of the district court of the county to give
14 ~~ten~~ thirty days' notice in writing to the defendant and the
15 defendant's sureties to appear and show cause, if any, why
16 judgment should not be entered for the amount of bail. If such
17 appearance is not made, judgment shall be entered by the court.
18 If appearance is made, the court shall set the case down for
19 immediate hearing as an ordinary action.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to forfeiture of bail.

24 Current law provides that if a defendant fails to appear in
25 court at the defendant's arraignment, trial, judgment, or other
26 court proceedings where the defendant's personal appearance
27 is lawfully required, or to surrender in execution of the
28 judgment, the court must enter a forfeiture judgment of the
29 defendant's bail. As a part of the entry the court is required
30 to provide 10 days' notice in writing to the defendant and the
31 defendant's sureties to appear and show cause, if any, why
32 judgment should not be entered for the amount of bail.

33 The bill requires the court to provide 30 days' notice in
34 writing to the defendant and the defendant's sureties, instead
35 of 10 days' notice, to appear and show cause why judgment

H.F. _____

1 should not be entered for the amount of bail.