

Senate File 254 - Introduced

SENATE FILE 254
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1038)

A BILL FOR

1 An Act relating to the forfeiture of bail.

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

1 Section 1. Section 602.8102, subsection 131, Code 2021, is
2 amended to read as follows:

3 131. Hold the amount of forfeiture and judgment of bail
4 in the clerk's office for ~~ninety~~ one hundred fifty days as
5 provided in section 811.6.

6 Sec. 2. Section 811.6, subsections 2 and 3, Code 2021, are
7 amended to read as follows:

8 2. Where a forfeiture and judgment have been entered as
9 provided in this section, and the amount of the judgment has
10 been paid to the clerk, the clerk shall hold the same as funds
11 of the clerk's office for a period of ~~ninety~~ one hundred fifty
12 days from the date of judgment.

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

16 (1) The defendant shall voluntarily surrender surrenders to
17 the sheriff of the county, ~~or the~~.

18 (2) The defendant's sureties shall, at their own expense,
19 deliver the defendant ~~or facilitate delivery of the defendant~~
20 to the custody of the sheriff. Such

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

23 b. A judgment shall not be set aside, ~~however,~~ under
24 this subsection unless as a condition precedent thereto, the
25 defendant and the defendant's sureties ~~shall~~ have paid all
26 costs and expenses incurred in connection ~~therewith~~ with the
27 judgment.

28 EXPLANATION

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

31 This bill relates to the forfeiture of bail.

32 The bill provides that where a forfeiture and judgment has
33 been entered and the amount of the judgment has been paid to
34 the clerk of the district court, the clerk shall hold the funds
35 as funds of the clerk's office for a period of 150 days from the

1 date of judgment.

2 The bill provides that a court may, upon application, set
3 aside a judgment forfeiting a defendant's bail if, within 150
4 days from the date of the judgment, the defendant voluntarily
5 surrenders to the sheriff of the county; the defendant's
6 sureties, at their own expense, deliver the defendant or
7 facilitate delivery of the defendant to the custody of the
8 sheriff; or the court determines, upon consideration of all
9 circumstances, that setting aside the judgment is warranted.

10 Under current law, a judgment forfeiting bail shall not be
11 set aside unless the defendant and the defendant's sureties
12 have paid all costs and expenses incurred.