

Senate Study Bill 1038 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

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 811.6, subsection 3, Code 2021, is
2 amended to read as follows:

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

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

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

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

13 b. A judgment shall not be set aside, ~~however,~~ under
14 this subsection unless as a condition precedent thereto, the
15 defendant and the defendant's sureties ~~shall~~ have paid all
16 costs and expenses incurred in connection ~~therewith~~ with the
17 judgment.

18 EXPLANATION

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

21 This bill relates to the forfeiture of bail.

22 The bill provides that a court may, upon application, set
23 aside a judgment forfeiting a defendant's bail if, within 150
24 days from the date of the judgment, the defendant voluntarily
25 surrenders to the sheriff of the county; the defendant's
26 sureties, at their own expense, deliver the defendant or
27 facilitate delivery of the defendant to the custody of the
28 sheriff; or if the court determines, upon consideration of all
29 circumstances, that setting aside the judgment is warranted.

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