

House File 424 - Reprinted

HOUSE FILE 424
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 68)

(As Amended and Passed by the House February 16, 2021)

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.