HOUSE FILE 424
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 68)

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

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to the forfeiture of bail.

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

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

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

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

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 ~~ninety~~ one hundred fifty days from the date of judgment.

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

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

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

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

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