

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 523

BY BUSINESS COMMITTEE

AN ACT

RELATING TO BAIL; AMENDING SECTION 19-2915, IDAHO CODE, TO PROVIDE THAT CERTAIN NOTICE SHALL BE SENT TO THE SURETY INSURANCE COMPANY AND TO PROVIDE THAT FAILURE TO PROVIDE NOTICE WILL EXONERATE THE BAIL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2915, Idaho Code, be, and the same is hereby amended to read as follows:

19-2915. FORFEITURE OF BAIL. (1) If without sufficient excuse the defendant fails to appear before the court as ordered, the court shall immediately:

- (a) Enter the defendant's failure to appear in the minutes;
- (b) Order forfeiture of the bail; and
- (c) Issue a bench warrant for the arrest of the defendant.

(2) The court, in its discretion, may:

- (a) Set the amount of bail in the bench warrant;
- (b) Set the amount of bail in the bench warrant but require that the defendant appear before the court where the charge or charges are pending before being released on bail; or
- (c) Set no bail on the bench warrant and require that the defendant not be released until appearing before the court where the charges are pending, at which time the court shall set bail or release the defendant on the defendant's own recognizance, and shall set any conditions of release.

(3) The clerk shall provide the person posting bail written notice of the order of forfeiture by mailing notice within five (5) business days of the order of forfeiture to the surety insurance company and to the last known address of the person posting bail or that person's designated agent. Failure to provide notice will exonerate the bail.

(4) If the court quashes the bench warrant within one hundred eighty (180) days after the order of forfeiture, the forfeiture of bail shall be set aside and the court shall notify the person posting bail of the setting aside of the forfeiture within five (5) business days of the date of the order quashing the bench warrant and reinstating the bail.