IN THE SENATE

SENATE BILL NO. 1056

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

1   AN ACT
2   RELATING TO BAIL; AMENDING SECTION 19-2915, IDAHO CODE, TO REVISE PROVISIONS
3   REGARDING FORFEITURE OF BAIL.

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

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

7   19-2915. FORFEITURE OF BAIL. (1) If without sufficient excuse the de-
8   fendant fails to appear before the court as ordered, the court shall immedi-
9   ately:
10   (a) Enter the defendant's failure to appear in the minutes;
11   (b) Order forfeiture of the bail; and
12   (c) Issue a bench warrant for the arrest of the defendant.
13   (2) The court, in its discretion, may:
14   (a) Set the amount of bail in the bench warrant;
15   (b) Set the amount of bail in the bench warrant but require that the de-
16   fendant appear before the court where the charge or charges are pending
17   before being released on bail; or
18   (c) Set no bail on the bench warrant and require that the defendant not
19   be released until appearing before the court where the charges are pend-
20   ing, at which time the court shall set bail or release the defendant on
21   the defendant's own recognizance, and shall set any conditions of re-
22   lease.
23   (3) The clerk shall provide the person posting bail written notice of
24   the order of forfeiture by mailing notice within five (5) business days of
25   the order of forfeiture to the surety insurance company and to the last known
26   address of the person posting bail or that person's designated agent.
27   (4) If the court quashes the bench warrant within one hundred eighty
28   (180) days after the order of forfeiture, the forfeiture of bail shall be
29   set aside and the court shall notify the person posting bail of the setting
30   aside of the forfeiture within five (5) business days of the date of the order
31   quashing the bench warrant and reinstating the bail.