

STATEMENT OF PURPOSE

RS26854

The Idaho Bail Act currently does not require the exoneration of a bond posted by a surety (an insurance company that posts a bond on behalf of a bail bond agency) when the fugitive defendant has been returned to the custody of the sheriff of the county where the action is pending and a subsequent surety posts bail prior to the defendant's appearance before the court, thus precluding the exoneration of the preceding bond. "Exoneration" means a court order directing the full or partial release and discharge from liability of the surety underwriting a bail bond or the person posting a cash deposit or a property bond (Idaho Code § 19-2905). This legislation amends the Idaho Bail Act to require the exoneration of the bond posted by the initial surety when the defendant has been returned to the custody of the sheriff of the county where the criminal action is pending within one hundred eighty (180) days of the court's order of forfeiture and the defendant is subsequently released from custody on bail posted by a subsequent surety prior to the defendant's appearance before the court. This legislation also amends the Idaho Bail Act to require a court clerk to provide written notice to the surety of an order of forfeiture by mailing notice within five (5) business days of the order of forfeiture to the surety who provided bail to a defendant. "Forfeiture" means an order of the court reciting that the defendant failed to appear as ordered and stating that bail is forfeited (Idaho Code § 19-2905).

FISCAL NOTE

There is no fiscal impact to the general fund or any dedicated account created by this legislation, as the actions by the court necessary for the implementation of this amendment are already included in appropriated funds for the courts.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).