

IN THE SENATE

SENATE BILL NO. 1119

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE IDAHO BAIL ACT; AMENDING SECTION 19-2911, IDAHO CODE, TO PRO-
2 VIDE CONDITIONS AND REQUIREMENTS RELATING TO THE RELEASE OF A DEFENDANT
3 UPON THE POSTING OF A BAIL BOND AND TO PROVIDE A CIRCUMSTANCE IN WHICH
4 THE COURT SHALL SUSPEND CERTAIN AUTHORITY OF A BAIL AGENT.
5

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

7 SECTION 1. That Section 19-2911, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 19-2911. RELEASE OF DEFENDANT ON POSTING BAIL. Upon the posting of
10 ~~bail~~ a cash bond or property bond in the amount set by the court, the de-
11 fendant shall be released from the actual custody of the sheriff. Upon the
12 posting of a bail bond in the amount set by the court, the surety company,
13 through its bail agents or employees, shall charge and collect the premium
14 for executing the bail bond before or at the time of the posting of the bail
15 bond. The defendant shall be released from the actual custody of the sher-
16 iff only after the bail agent who executes the bail bond attaches a written
17 affidavit to the bond attesting that the full premium has been collected.
18 Nothing in this section shall preclude a person from obtaining premium fi-
19 nancing to facilitate the payment of the full bail bond premium, provided
20 that no bail agent or surety company shall have any financial affiliation
21 with or indemnify or receive any compensation from any premium financier.
22 The court shall suspend a bail agent's authority to execute bail bonds before
23 the court if such bail agent knowingly executes a bail bond for the release
24 of a defendant from custody without collecting the full premium for the bail
25 bond before the defendant is released from custody.