

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 63

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO BAIL; AMENDING SECTION 19-1507, IDAHO CODE, TO REMOVE A PROVI-
2 SION RELATING TO A BENCH WARRANT FOR A BAILABLE OFFENSE AND TO PROVIDE
3 A CODE REFERENCE; AND AMENDING SECTION 19-2915, IDAHO CODE, TO PROVIDE
4 FOR THE SETTING OF BAIL WHEN A DEFENDANT FAILS TO APPEAR BEFORE THE COURT
5 UNDER CERTAIN CONDITIONS.
6

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

8 SECTION 1. That Section 19-1507, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 19-1507. BAIL. The defendant, when arrested under a warrant for an
11 offense not bailable, must be held in custody of the sheriff of the county in
12 which the indictment is found, unless admitted to bail after an examination
13 upon a writ of habeas corpus; but if the offense is bailable, ~~there must be~~
14 ~~added to the body of the bench warrant a direction to the following effect,~~
15 ~~"or, if he requires it, that you take him before any magistrate in that~~
16 ~~county, or in the county in which you arrest him, that he may give bail to an-~~
17 ~~swer to the indictment"; and the court, upon directing it to issue, must fix~~
18 ~~the amount of bail, and an endorsement must be made thereon and signed by the~~
19 ~~clerk, to the following effect: "The defendant is to be admitted to bail in~~
20 ~~the sum of dollars." the court issuing the warrant, in its discretion,~~
21 may set bail as provided in section 19-2915, Idaho Code.

22 SECTION 2. That Section 19-2915, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 19-2915. FORFEITURE OF BAIL. (1) If without sufficient excuse the de-
25 fendant fails to appear before the court as ordered, the court shall immedi-
26 ately:

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

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

31 (a) Set the amount of bail in the warrant;

32 (b) Set the amount of bail in the warrant but require that the defendant
33 appear before the court where the charge or charges are pending before
34 being released on bail; or

35 (c) Set no bail on the warrant and require the defendant to appear be-
36 fore the court where the charges are pending before the setting of bail
37 is considered.

38 (3) The clerk shall provide the person posting bail written notice of
39 the order of forfeiture by mailing notice within five (5) business days of

1 the order of forfeiture to the last known address of the person posting bail
2 or that person's designated agent.

3 (~~34~~) If the court quashes the bench warrant within one hundred eighty
4 (180) days after the order of forfeiture, the forfeiture of bail shall be
5 set aside and the court shall notify the person posting bail of the setting
6 aside of the forfeiture within five (5) business days of the date of the order
7 quashing the bench warrant and reinstating the bail.