

16-84-201. Action on bond in district courts.

(a)(I)(A) If the defendant **fails to appear** for trial or judgment, or at any other time when his or her presence in district court may be lawfully required, or to surrender himself or herself in execution of the judgment, the district court may direct the fact to be entered on the **minutes** and shall **promptly** issue an order requiring the surety to appear, on a date set by the district court not more than **one hundred twenty (120) days** from the **date notice is sent by certified mail** to the **surety company at the address shown on the bond**, whether or not it is received by the surety, to show cause why the sum specified in the bail bond or the money deposited in lieu of bail should not be forfeited.

(B) The one-hundred-twenty-day period in which the defendant must be surrendered or apprehended under subdivision (c)(2) of this section begins to run from the date notice is sent by certified mail to the surety company at the address shown on the bond, **whether or not it is received by the surety.**

(2) The order shall also require the officer who was responsible for taking of bail to appear unless:

(A) The surety is a bail bondsman; or

(B) The officer accepted cash in the amount of bail.

(b) The appropriate **law enforcement** agencies shall make every **reasonable effort to apprehend the defendant.**

(c)(1) If the defendant is **surrendered** or **arrested**, or good cause is shown for his or her failure to appear **before judgment** is entered against the surety, the district court shall **exonerate a reasonable amount of the surety's liability** under the bail bond.

(2) However, if the surety causes the apprehension of the defendant or the defendant is apprehended within one hundred twenty (120) days from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety, a judgment or forfeiture of bond may not be entered against the surety, except as provided in subsection (e) of this section.

(d) If **after one hundred twenty (120) days** from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety, the **defendant** has not **surrendered** or been **arrested**, the **bail bond** or money deposited in lieu

of bail may be **forfeited** without further notice or hearing.

(e) If the defendant is located in **another state** and the location is known **within one hundred twenty (120) days** from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety, the appropriate law **enforcement officers shall cause the arrest of the defendant and the surety shall be liable for the cost of returning the defendant to the district court in an amount not to exceed the face value of the bail bond.**

(f)(1) In determining the extent of liability of the surety on a bond forfeiture, the court, without further notice or hearing, may take into consideration the **expenses incurred by the surety** in attempting to locate the defendant and may allow the surety credit for the expenses incurred.

(2) To be considered by the court, information concerning expenses incurred in attempting to locate the defendant should be submitted to the court by the surety no later than the one-hundred-twentieth day from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety

(g) Notwithstanding any law to the contrary, a **district court** may **suspend** a bail bond **company's or agent's ability to issue bail bonds in its court** if the bail bond company or agent fails to comply with an **order** of the district court or **fails to pay forfeited bonds** in accordance with a district court's order.