

VERNON'S ANNOTATED MISSOURI STATUTES TITLE XXXVII. CRIMINAL PROCEDURE CHAPTER 544. ARREST, EXAMINATION, COMMITMENT AND BAIL 544.610. Discharge of bailor's liability, how

- The bailor at any time before final judgment against him upon a forfeited recognizance, may surrender his principal in open court or to the sheriff; and upon the payment of all costs occasioned by the forfeiture, and all costs that may accrue at the term to which the prisoner was recognized to appear, may thereupon be discharged from any further liability upon the recognizance.

VERNON'S ANNOTATED MISSOURI STATUTES TITLE XXIV. BUSINESS AND FINANCIAL INSTITUTIONS CHAPTER 374. DEPARTMENT OF INSURANCE REGULATION OF BAIL BOND AGENTS 374.770. Bond forfeiture, when--exception, defendant incarcerated in United States, procedure--surety's duties--violation of bond, rights and obligations of bondsman

- If there is a breach of the contract of the bond, the court in which the case is pending shall declare a bond forfeiture, unless the surety upon such bond informs the court that the defendant is incarcerated somewhere within the United States. If forfeiture is not ordered because the defendant is incarcerated somewhere within the United States, the surety is responsible for the return of the defendant. If bond forfeiture is ordered and the surety can subsequently prove the defendant is incarcerated somewhere within the United States, then the bond forfeiture shall be set aside and the surety be responsible for the return of the defendant. When the surety notifies the court of the whereabouts of the defendant, a hold order shall be placed by the court having jurisdiction on the defendant in the state in which the defendant is being held.
- In all instances in which a bail bond agent or general bail bond agent duly licensed by sections 374.700 to 374.775 has given his bond for bail for any defendant who has absented himself in violation of the condition of such bond, the bail bond agent or general bail bond agent shall have the first opportunity to return such defendant to the proper court. If he is unable to return such defendant, the state of Missouri shall return such defendant to the proper court for prosecution, and all costs incurred by the state in so returning a defendant may be levied against the bail bond agent or general bail bond agent in question.
- State v. Head (App. W.D. 1991) 804 S.W.2d 833. This section providing that surety is entitled to have bail bond forfeiture set aside if forfeiture is ordered and surety can subsequently prove that defendant is incarcerated would not be read to have additional requirement that incarceration must be as of time of bond forfeiture.