

HOUSE BILL NO. 502
INTRODUCED BY BARNETT

IN THE HOUSE

FEBRUARY 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1993	PRINTING REPORT.
FEBRUARY 19, 1993	SECOND READING, DO PASS.
FEBRUARY 20, 1993	ENGROSSING REPORT.
FEBRUARY 22, 1993	THIRD READING, PASSED. AYES, 94; NOES, 4.
FEBRUARY 23, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 8, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 9, 1993	SECOND READING, CONCURRED IN.
MARCH 10, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 502
2 INTRODUCED BY Barnett
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE RETURN OF
5 A BAIL BOND TO THE SURETY WITHIN 30 DAYS AFTER A CONVICTION;
6 PROVIDING THAT BAIL FORFEITURE BE DISCHARGED IF THE
7 DEFENDANT APPEARS AND SATISFACTORILY EXCUSES AN ABSENCE
8 WITHIN 90 DAYS AFTER THE FORFEITURE; AND AMENDING SECTION
9 46-9-503, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Return of bail bond after
13 conviction. If a commercial surety bond is posted as bail
14 and the defendant is convicted, the bond must be returned to
15 the surety within 30 days after the conviction. If the
16 defendant appeals, the court may order that bail be provided
17 during the appeal.

18 **Section 2.** Section 46-9-503, MCA, is amended to read:

19 "46-9-503. Violation of release condition --
20 forfeiture. (1) If a defendant violates a condition of
21 release, including failure to appear, the prosecutor may
22 make a written motion to the court for revocation of the
23 order of release. A judge may issue a warrant for the arrest
24 of a defendant charged with violating a condition of
25 release. Upon arrest, the defendant must be brought before a

1 judge in accordance with 46-7-101.

2 (2) If a defendant fails to appear before a court as
3 required and bail has been posted, the judge may declare the
4 bail forfeited. Notice of the order of forfeiture must be
5 mailed to the defendant and the defendant's sureties at
6 their last-known address.

7 (3) If at any time within 30 days after the forfeiture
8 ~~the--defendant--or~~ the defendant's sureties appear and
9 satisfactorily excuse the defendant's failure to appear, the
10 judge may direct the forfeiture to be discharged upon terms
11 as may be just. If at any time within 90 days after the
12 forfeiture the defendant appears and satisfactorily excuses
13 the defendant's failure to appear, the judge shall direct
14 the forfeiture to be discharged upon terms as may be just."

15 NEW SECTION. Section 3. Codification instruction.
16 [Section 1] is intended to be codified as an integral part
17 of Title 46, chapter 9, part 1, and the provisions of Title
18 46 apply to [section 1].

-End-

APPROVED BY COMMITTEE
ON JUDICIARYHOUSE BILL NO. 502
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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE RETURN OF A BAIL BOND TO THE SURETY WITHIN 30 DAYS AFTER A CONVICTION; PROVIDING THAT BAIL FORFEITURE BE DISCHARGED IF THE DEFENDANT APPEARS AND SATISFACTORILY EXCUSES AN ABSENCE WITHIN 90 DAYS AFTER THE FORFEITURE; AND AMENDING SECTION 46-9-503, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Return of bail bond after conviction. If a commercial surety bond is posted as bail and the defendant is convicted, the bond must be RELEASED AND returned to the surety within 30 days after the conviction. If the defendant appeals, the court may order that bail be provided during the appeal.

Section 2. Section 46-9-503, MCA, is amended to read:

"46-9-503. Violation of release condition -- forfeiture. (1) If a defendant violates a condition of release, including failure to appear, the prosecutor may make a written motion to the court for revocation of the order of release. A judge may issue a warrant for the arrest of a defendant charged with violating a condition of release. Upon arrest, the defendant must be brought before a

judge in accordance with 46-7-101.

(2) If a defendant fails to appear before a court as required and bail has been posted, the judge may declare the bail forfeited. Notice of the order of forfeiture must be mailed to the defendant and the defendant's sureties at their last-known address WITHIN 10 WORKING DAYS OR THE BOND BECOMES VOID AND MUST BE RELEASED AND RETURNED TO THE SURETY WITHIN 5 WORKING DAYS.

(3) If at any time within 30 days after the forfeiture ~~the--defendant--or~~ the defendant's sureties appear and satisfactorily excuse the defendant's failure to appear, the judge may direct the forfeiture to be discharged upon terms as may be just. If at any time within 90 days after the forfeiture the defendant appears and satisfactorily excuses the defendant's failure to appear, the judge shall direct the forfeiture to be discharged upon terms as may be just."

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