

ASSEMBLY BILL NO. 401—COMMITTEE ON JUDICIARY

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

MARCH 16, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning forfeiture of bail. (BDR 14-525)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to bail; reducing the time for forfeiting bail when a defendant fails to appear; requiring persons who provide bail on behalf of a defendant to make ongoing efforts to bring the defendant before the court when the defendant has failed to appear and to report such efforts to the court; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 178.508 is hereby amended to read as follows:
2 178.508 1. If the defendant fails to appear when his presence in court
3 is lawfully required for the commission of a misdemeanor and the failure to
4 appear is not excused or is lawfully required for the commission of a gross
5 misdemeanor or felony, the court shall:
6 (a) Enter upon its minutes that the defendant failed to appear;
7 (b) Not later than 45 days after the date on which the defendant failed to
8 appear, order the issuance of a warrant for the arrest of the defendant; and
9 (c) If the undertaking exceeds \$50 or money deposited instead of bail
10 bond exceeds \$500, direct that each surety and the local agent of each
11 surety, or the depositor if he is not the defendant, be given notice that the
12 defendant has failed to appear, by certified mail within 20 days after the
13 date on which the defendant failed to appear. The court shall execute an
14 affidavit of such mailing to be kept as an official public record of the court
15 and shall direct that a copy of the notice be transmitted to the prosecuting
16 attorney at the same time that notice is given to each surety or the
17 depositor.
18 2. Except as otherwise provided in subsection 3 *or 5* and NRS
19 178.509, the undertaking or money deposited instead of bail bond is



1 forfeited ~~180~~ 90 days after the date on which the notice is mailed
2 pursuant to subsection 1.

3 3. The court may extend the date of the forfeiture for any reasonable
4 period set by the court if the surety or depositor submits to the court:

5 (a) An application for an extension and the court determines that the
6 surety or the depositor is making reasonable and ongoing efforts to bring
7 the defendant before the court ~~180~~; or

8 (b) An application for an extension on the ground that the defendant is
9 temporarily prevented from appearing before the court because the
10 defendant:

11 (1) Is ill;

12 (2) Is insane; or

13 (3) Is being detained by civil or military authorities,

14 and the court, upon hearing the matter, determines that one or more of the
15 grounds described in this paragraph exist and that the surety or depositor
16 did not in any way cause or aid the absence of the defendant.

17 4. *Following receipt of a notice that the defendant failed to appear*
18 *pursuant to subsection 1 the surety or depositor shall:*

19 (a) *Make reasonable and ongoing efforts to bring the defendant*
20 *before the court; and*

21 (b) *Send a written report to the court by certified mail before the last*
22 *day of each month until the surety or depositor is exonerated or the*
23 *undertaking or money is forfeited apprising the court of such efforts.*

24 5. *If a surety or depositor fails to send a report pursuant to*
25 *subsection 4 within the prescribed time, the court may cause the*
26 *undertaking or money to be forfeited immediately.*

27 **Sec. 2.** This act becomes effective on July 1, 2001.

