

ASSEMBLY BILL NO. 469—COMMITTEE ON JUDICIARY

MARCH 28, 2005

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions governing forfeiture of bail. (BDR 14-909)

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 criminal procedure; revising certain provisions governing forfeiture of bail; 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 178.512 is hereby amended to read as follows:
- 2 178.512 1. The court shall not set aside a forfeiture unless:
- 3 (a) The surety submits an application to set it aside on the
- 4 ground that the defendant:
- 5 (1) Has appeared before the court since the date of the
- 6 forfeiture and has presented ~~1~~:
- 7 ~~(I) A~~ **a** satisfactory excuse for his absence; ~~for~~
- 8 ~~(II) Satisfactory evidence that the surety did not in any~~
- 9 ~~way cause or aid the absence of the defendant;~~
- 10 (2) Was dead before the date of the forfeiture but the surety
- 11 did not know and could not reasonably have known of his death
- 12 before that date;
- 13 (3) Was unable to appear before the court before the date of
- 14 the forfeiture because of his illness or his insanity, but the surety did
- 15 not know and could not reasonably have known of his illness or
- 16 insanity before that date;
- 17 (4) Was unable to appear before the court before the date of
- 18 the forfeiture because he was being detained by civil or military



1 authorities, but the surety did not know and could not reasonably
2 have known of his detention before that date; or

3 (5) Was unable to appear before the court before the date of
4 the forfeiture because he was deported, but the surety did not know
5 and could not reasonably have known of his deportation before that
6 date,

7 and the court, upon hearing the matter, determines that one or
8 more of the grounds described in this subsection exist and that the
9 surety did not in any way cause or aid the absence of the defendant;
10 and

11 (b) The court determines that justice does not require the
12 enforcement of the forfeiture.

13 2. If the court sets aside a forfeiture pursuant to subsection 1
14 and the forfeiture includes any undertaking or money deposited
15 instead of bail bond where the defendant has been charged with a
16 gross misdemeanor or felony, the court shall make a written finding
17 in support of setting aside the forfeiture. The court shall mail a copy
18 of the order setting aside the forfeiture to the Office of Court
19 Administrator immediately upon entry of the order.

