

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.

20 **Sec. 2.** This act becomes effective upon passage and approval.

