

REFERENCE TITLE: secured appearance bond exoneration; remission.

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

**S. B. \_\_\_\_\_**

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 13-3974, ARIZONA REVISED STATUTES; RELATING TO BAIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-3974, Arizona Revised Statutes, is amended to  
3 read:

4 13-3974. Exoneration of appearance bond; bond forfeiture  
5 hearing extension; affidavit; remission

6 A. A surety ~~may~~ SHALL be relieved from liability on an appearance bond  
7 if the surety, THE BAIL BOND AGENT ~~OR A LAW ENFORCEMENT AGENCY~~ surrenders the  
8 defendant, EITHER BEFORE OR WITHIN NINETY DAYS AFTER THE DEFENDANT'S FAILURE  
9 TO APPEAR, into the custody of the sheriff of the county in which the  
10 prosecution is pending and the sheriff, SURETY OR BAIL BOND AGENT reports the  
11 surrender to the court BY AFFIDAVIT.

12 B. AT LEAST FOURTEEN DAYS BEFORE A BOND FORFEITURE HEARING, A SURETY  
13 OR BAIL BOND AGENT MAY FILE WITH THE COURT AN AFFIDAVIT REQUESTING A  
14 NINETY-DAY EXTENSION TO LOCATE AND SURRENDER THE DEFENDANT INTO CUSTODY. A  
15 JUDICIAL OFFICER ~~SHALL~~ GRANT THE EXTENSION IF THE JUDICIAL OFFICER FINDS THAT  
16 THE SURETY IS ACTIVELY SEARCHING FOR THE DEFENDANT. IF THE JUDICIAL OFFICER  
17 GRANTS THE EXTENSION, THE SURETY SHALL FORFEIT TEN PER CENT OF THE SECURED  
18 APPEARANCE BOND.

19 C. A SURETY WHO IS GRANTED AN EXTENSION PURSUANT TO SUBSECTION B OF  
20 THIS SECTION AND WHO DOES NOT SURRENDER THE DEFENDANT INTO CUSTODY WITHIN ONE  
21 HUNDRED EIGHTY DAYS AFTER THE DEFENDANT'S FAILURE TO APPEAR SHALL FORFEIT THE  
22 REMAINING NINETY PER CENT OF THE SECURED APPEARANCE BOND. IF THE SURETY  
23 SURRENDERS THE DEFENDANT INTO CUSTODY AFTER THE SECURED APPEARANCE BOND IS  
24 FORFEITED PURSUANT TO THIS SUBSECTION AND WITHIN ONE YEAR AFTER THE DATE OF  
25 THE DEFENDANT'S FAILURE TO APPEAR, THE COURT SHALL REMIT FIFTY PER CENT OF  
26 THE FORFEITED SECURED APPEARANCE BOND.

*may*

*not a party to the case*