Did you know? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents.

Bail Bond Expiration Act

Summary

This act would establish that a bail bond expires thirty-six months after it is posted if the bond has not been declared forfeited in the interim.

Model Legislation

Section 1. {Title} This Act may be cited as the Bail Bond Expiration Act.

Section 2. {Definition} “An undertaking” means the issuance of a surety bail bond to insure appearance.

Section 3. {Expiration}

(A). An undertaking is valid if it states:

(1) the court where the defendant is to appear;
(2) the amount of bail; and
(3) that it was made before an official authorized to take the bond.

(B). A surety remains liable on an undertaking despite:

(1) any other agreement that is expressed in the undertaking;
(2) any failure of the defendant to join in the undertaking; or
(3) any other defect of form of record; or
(4) any other irregularity, except as to items covered by (a).

(C). An undertaking expires thirty-six (36) months after it is posted for the release of a defendant from custody unless, within the thirty-six (36) month period:

(1) the bond is declared to be forfeited; and
(2) the court notifies the surety and the bail agent of the forfeiture by certified mail, return receipt requested.

Section 4. {Severability}

Section 5. {Effective Date}

Adopted by the Criminal Justice Task Force at the Annual Meeting in August, 2005.
Approved by the ALEC Board of Directors September, 2005.

Center for Media and Democracy quick summary:

This Model Act appears to make it easier for bail bondsmen to avoid paying the full amount of the bail owed to the state when one of their “clients” jumps bail. Typically, an accused person pays a bondman 10% of their bail, with the understanding that the bondman is liable for the full amount of the bail if the person fails to appear at court. This Act specifies that the amount owed by a bondman in such situations will be forgiven after 36 months.