

MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 13, 2025

Subject: Bill Brief on SB 157

Senate Bill 157 requires warrants issued for failure to appear to be provided to a compensated surety, changes the criteria for setting aside bond forfeiture and requires remission if the defendant is returned to custody in certain circumstances.

The bill amends K.S.A. 22-2807, the statute that governs forfeiture of appearance bonds. Current law in subsection (a) requires that if the defendant fails to appear and is charged with a felony, the sheriff shall enter the warrant into the national crime information center's index. This bill would add that the sheriff is required to make a copy of the warrant available to a compensated surety who deposited the bond on behalf of the defendant.

Current law in subsection (c) provides that the court shall direct that a forfeiture be set aside "upon such conditions as the court may impose". This bill strikes that phrase, it also requires the court to direct forfeiture be set aside if the surety can prove that the defendant has left the country. Current law requires forfeiture to be set aside if the warrant is not entered into the national crime information center's index unless good cause is shown, and this bill would add that forfeiture be set aside if the warrant is not provided to the compensated surety under the new requirement in subsection (a). Finally in subsection (c), current law requires forfeiture to be set aside if the defendant has been arrested outside of the state and the prosecuting attorney has declined to proceed with extradition. This bill would remove the requirement that the defendant has been arrested outside of the state.

Current law in subsection (e) provides that after entry of judgment, the court may remit the judgment under the conditions applying to setting aside of bond forfeiture in subsection (c). This bill would add that the court is required to remit 95% of the amount of the appearance bond if the defendant is returned to custody within 180 days after judgment is entered.