

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 157

As Amended by Senate Committee on Judiciary

Brief*

SB 157, as amended, would require warrants issued for failure to appear to be provided to a compensated surety, change the criteria for setting aside bond forfeitures, and require the return of a percentage of an appearance bond in certain circumstances.

Warrants Provided to Surety Upon Forfeiture

The bill would amend law governing the forfeiture of appearance bonds to require that whenever a defendant is charged with a felony offense and fails to appear as directed by the court, the court must make a copy of the warrant available to the compensated surety who deposited the bond on behalf of the defendant.

When Bond Forfeiture May Be Set Aside

The bill would amend law governing when a forfeiture of bond may be set aside. The bill would require a court to set aside a forfeiture when the surety can provide the defendant has been deported from the United States, in addition to other ways the court may or must direct forfeitures to be set aside in continuing law.

The court would be required to set aside a bond forfeiture when the warrant required to be provided to the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

surety after forfeiture as directed by the bill is not provided within 14 days of issuance.

Remission of Appearance Bond

The bill would provide that when a forfeiture has not been set aside and a judgment of default has been issued, the court must remit (return) 95 percent of the amount of the appearance bond to the obligor if the defendant is returned to custody within 180 days after judgment is entered.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Owens.

Senate Committee on Judiciary

In the Senate Committee hearing, Senator Owens and a representative of the Kansas Bail Agents Association provided proponent testimony. The proponents generally agreed that the bill would ensure consistency in the enforcement of bond forfeitures.

Opponent testimony was provided by a representative of the Kansas Sheriffs Association, who expressed concerns regarding a sheriff's duty to provide copies to sureties and the protection of bail agents who may know that a defendant is a flight risk but elect to bond them anyway.

The Senate Committee amended the bill to:

- Modify who must provide a copy of the warrant to the compensated surety; and
- Modify the conditions under which a court may direct a bond be forfeited.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would have a minimal fiscal effect on the Judicial Branch that could be absorbed within existing resources. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Forfeiture of appearance bonds; courts; warrants; sureties; failure to appear