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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 3, 2022
Subject: Bill Brief on HB 2674

HB 2674 requires a forfeiture of an appearance bond to be set aside in certain circumstances.

The bill amends K.S.A. 22-2807, which is the statute that provides for forfeiture of bail and an appearance bond. Current law in subsection (a) provides that if a defendant fails to appear, the court shall declare a forfeiture of the bail. This bill would add that the court shall issue a warrant for the defendant's arrest.

Current law also provides that when bond has been forfeited and a surety can prove that a defendant is incarcerated somewhere within the United States prior to judgment of default then the court shall set aside the forfeiture. This bill would add that the forfeiture shall be set aside if (1) the warrant now required to be issued under subsection (a) is not issued within 14 days of the forfeiture, (2) the surety made a written requested to the court to order the sheriff to enter the warrant into the national crime information center's index and the warrant was not entered within 14 days of the date of the court order to the sheriff unless good cause is shown for the failure to timely enter such warrant into the index, or (3) the defendant has been arrested outside of this state and the prosecuting attorney has declined to proceed with extradition.