

Utah Bail Laws

1. Applicable Statutes.

The bail bond industry is heavily regulated in the state of Utah. Extensive statutory regulations exist, in particular, for agent licensing requirements and bail forfeiture.

- A. UTAH CODE, 1953 TITLE 53. PUBLIC SAFETY CODE CHAPTER 11. BAIL BOND RECOVERY 53-11-102 – 53-11-124..
- B. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20. BAIL
- C. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20b. BAIL SURETY
- D. UTAH CODE, 1953 TITLE 31A. INSURANCE CODE CHAPTER 35. BAIL BOND SURETY LICENSING ACT PART 1. GENERAL PROVISIONS

2. Licensing Requirements for Agents.

- A. UTAH CODE, 1953 TITLE 53. PUBLIC SAFETY CODE CHAPTER 11. BAIL BOND RECOVERY 53-11-102

Definitions.

- As used in this chapter:

(1) "Applicant" means a person who has submitted to the department a completed application and all required application and processing fees.

(2) "Bail bond agency" means a bail enforcement agent licensed under this chapter who operates a business to carry out the functions of a bail enforcement agent, and to conduct this business:

(a) employs one or more persons licensed under this chapter for wages or salary, and withholds all legally required deductions and contributions; or

(b) contracts with a bail recovery agent or bail recovery apprentice on a part-time or case-by-case basis.

(3) "Bail enforcement agent" means an individual licensed under this chapter as a bail enforcement agent to enforce the terms and conditions of a defendant's release on bail in a civil or criminal proceeding, to apprehend a defendant or surrender a defendant to custody, or both, as is appropriate, and who:

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(a) is appointed by a bail bond surety; and

(b) receives or is promised monies or other things of value for this service.

(4) "Bail recovery agent" means an individual employed by a bail enforcement agent to assist the bail enforcement agent regarding civil or criminal defendants released on bail by:

(a) presenting a defendant for required court appearances;

(b) apprehending or surrendering a defendant to a court; or

(c) keeping the defendant under necessary surveillance.

(5) "Bail recovery apprentice" means any individual licensed under this chapter as a bail recovery apprentice, and who:

(a) has not met the requirements for licensure as a bail recovery agent or bail enforcement agent; and

(b) is employed by a bail enforcement agent, and works under the direct supervision of a bail enforcement agent or bail recovery agent employed also by the bail enforcement agent, unless the bail recovery apprentice is conducting activities at the direction of the employing bail enforcement agent that under this chapter do not require direct supervision.

(11) "Direct supervision" means a bail enforcement agent employing or contracting with a bail recovery apprentice, or a bail recovery agent employed by or contracting with that bail enforcement agent who:

(a) takes responsibility for and assigns the work a bail recovery apprentice may conduct; and

(b) closely supervises, within close physical proximity, and provides direction and guidance to the bail recovery apprentice regarding the assigned work.

(16) "Supervision" means the employing bail enforcement agent is responsible for and authorizes the type and extent of work assigned to a bail recovery agent who is his employee or contract employee.

(17) "Unprofessional conduct" means:

(a) engaging or offering to engage by fraud or misrepresentation in any activities regulated by this chapter;

- (b) aiding or abetting a person who is not licensed pursuant to this chapter in representing that person as a bail recovery agent in this state;
- (c) gross negligence in the practice of a bail recovery agent;
- (d) committing a felony or a misdemeanor involving any crime that is grounds for denial, suspension, or revocation of a bail recovery license, and conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission; or
- (e) making a fraudulent or untrue statement to the board, department, its investigators, or staff.

53-11-107 Licenses --Classifications --Prohibited acts.

- (1) Licenses under this chapter are issued in the classifications of:
 - (a) bail enforcement agent;
 - (b) bail recovery agent; or
 - (c) bail recovery apprentice.
- (2) A person may not:
 - (a) act or assume to act as, or represent himself to be, a licensee unless he is licensed under this chapter; or
 - (b) falsely represent that he is employed by a licensee.
- (3) The commissioner shall issue licenses to applicants who qualify for them under this chapter.
- (4) A license issued under this chapter is not transferable or assignable.

53-11-108 Licensure --Basic qualifications.

- An applicant for licensure under this chapter shall meet the following qualifications:
 - (1) An applicant shall be:
 - (a) at least 21 years of age;
 - (b) a citizen or legal resident of the United States; and
 - (c) of good moral character.
 - (2) An applicant may not:
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- (i) have been convicted of:
- (ii) a felony;
- (iii) any act involving illegally using, carrying, or possessing a dangerous weapon;
- (iv) any act of personal violence or force on any person or convicted of threatening to commit any act of personal violence or force against another person;
- (v) any act constituting dishonesty or fraud;
- (vi) impersonating a peace officer; or
- (vii) any act involving moral turpitude;

(b) be on probation, parole, community supervision, or named in an outstanding arrest warrant; or

(c) be employed as a peace officer.

(3) If previously or currently licensed in another state or jurisdiction, the applicant shall be in good standing within that state or jurisdiction.

(4) (a) The applicant shall also have completed a training program of not less than 16 hours that is approved by the board and includes:

(i) instruction on the duties and responsibilities of a licensee under this chapter, including:

(A) search, seizure, and arrest procedure;

(B) pursuit, arrest, detainment, and transportation of a bail bond suspect; and

(C) specific duties and responsibilities regarding entering an occupied structure to carry out functions under this chapter;

(ii) the laws and rules relating to the bail bond business;

(iii) the rights of the accused; and

(iv) ethics.

(c) The program may be completed after the licensure application is submitted, but shall be completed before a license may be issued under this chapter.

(5) If the applicant desires to carry a firearm as a licensee, the applicant shall:

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(a) successfully complete a course regarding the specified types of weapons he plans to carry. The course shall:

(i) be not less than 16 hours;

(ii) be conducted by any national, state, or local firearms training organization approved by the Criminal Investigations and Technical Services Division created in Section 53-10-103; and

(iii) provide training regarding general familiarity with the types of firearms to be carried, including:

(A) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and

(B) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of deadly force, transportation, and concealment; and

(b) shall hold a valid license to carry a concealed weapon, issued under Section 53-5-704.

53-11-109 Licensure --Bail enforcement agent.

(1) (a) In addition to the requirements in Sections 53-11-108 and 53- 11-110, an applicant for licensure as a bail enforcement agent shall have a minimum of 2,000 hours of experience consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.

(c) The applicant shall substantiate the experience claimed under Subsection (1) as qualifying experience and shall provide:

(i) the exact details as to the character and nature of the experience on a form prescribed by the department; and

(ii) certification by the applicant's employers, which is subject to independent verification by the board.

(d) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.

(e) The burden of proving completion of the required experience is on the applicant.

(2) An applicant for license renewal shall have completed not less than eight hours of continuing classroom instruction.

53-11-110 Bail enforcement agent as agency --Bond --Workers' compensation.

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(1) An applicant for licensure as a bail enforcement agent who will operate a bail bond recovery agency shall provide the following information as part of the application:

- (a) the full name and business address of the applicant;
- (b) two passport-size color photographs of the applicant;
- (c) the name under which the applicant intends to conduct the business;
- (d) a statement that the applicant intends to engage in the bail bond recovery business;
- (e) a notarized statement of the applicant's qualifications as required by Sections 53-11-108 and 53-11-109;
- (f) the fee required by Section 53-11-115;
- (g) a certificate of workers' compensation insurance, if applicable; and
- (h) proof of completion of a training program approved by the board.

(2) The license for a bail enforcement agent shall indicate on its face if the holder is licensed to act as a bail bond recovery agency.

53-11-111 Licensure --Bail recovery agent --Requirements and limitations.

(1) (a) In addition to the requirements in Sections 53-11-108 and 53- 11-113, an applicant for licensure as a bail recovery agent shall meet all of the requirements under Section 53-11-109, but instead of the experience requirement under Subsection 53-11-109(1)(a), a bail recovery agent applicant shall have a minimum of 1,000 hours of experience consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.

(b) The applicant shall substantiate the experience claimed under Subsection (1) as qualifying experience and shall provide:

- (i) the exact details as to the character and nature of the experience on a form prescribed by the department; and
- (ii) certification by the applicant's employers, which is subject to independent verification by the board.

(d) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.

(e) The burden of proving completion of the required experience is on the applicant.

(2) An applicant for license renewal shall have completed not less than eight hours of continuing classroom instruction.

(3) A bail recovery agent may work as a licensee under this chapter only as an employee of or as an independent contractor with a bail bond agency. A bail recovery agent may not:

(a) advertise his services;

(b) provide services as a licensee under this chapter directly for members of the public; or

(c) employ or hire as independent contractors bail enforcement agents, bail recovery agents, or bail recovery apprentices.

53-11-112 Licensure --Bail recovery apprentices --Requirements and limitations.

(1) In addition to the requirements in Sections 53-11-108 and 53-11- 113, an applicant for licensure as a bail recovery apprentice shall meet all of the requirements under Section 53-11-109, except the applicant is not subject to the experience requirement under Subsection 53-11-109(1)(a).

(2) A bail recovery apprentice may work as a licensee only:

(a) as an employee or contract employee of a bail bond agency; and

(b) under the direct supervision of a bail enforcement agent or bail recovery agent employed also by the bail enforcement agent, unless the bail recovery apprentice is conducting activities at the direction of the employing bail enforcement agent that under this chapter do not require direct supervision.

(3) A bail recovery apprentice may not:

(a) advertise his services;

(b) provide services as a licensee under this chapter directly for members of the public; or

(c) employ or hire as independent contractors bail enforcement agents, bail recovery agents, or bail recovery apprentices.

Other applicable licensing statutes:

53-11-113 Bail recovery agent and bail recovery apprentice licensure -- Liability insurance --Fee --Workers' compensation.

53-11-114 Licensure --Qualification credit for specified training.

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53-11-115 License fees --Deposit in General Fund.

53-11-116 Issuance of license and card to applicant --License period -- Expiration of application --Transfer of license prohibited.

53-11-116.5 Identification cards.

53-11-117 Workers' compensation requirements for employees' licensure.

53-11-118 Grounds for denial of license --Appeal.

53-11-119 Grounds for disciplinary action.

53-11-120 Requirement to identify employing agency.

53-11-121 False representation as a licensee.

(See #8 in this outline for 53-11-122 and 53-11-123)

53-11-124 Penalties.

3. Notice of Forfeiture

A. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20b. BAIL SURETY

77-20b-101 Entry of nonappearance --Notice to surety --Release of surety on failure of timely notice.

(1) If a defendant who has posted bail fails to appear before the appropriate court when required and the court issues a bench warrant or directs that the surety be given notice of the nonappearance, the clerk of the court shall:

(a) mail notice of nonappearance by certified mail, return receipt requested, within 30 days to the address of the surety who posted the bond; and

(b) deliver a copy of the notice sent under Subsection (1)(a) to the prosecutor's office at the same time notice is sent under Subsection (1)(a).

(2) If notice is not provided in accordance with Subsection (1)(a), the prosecutor may mail notice of nonappearance by certified mail, return receipt requested, to the address of the surety within seven days after the end of the 30-day period under Subsection (1)(a).

(3) If notice of nonappearance is not mailed to a surety, other than the defendant, in accordance with Subsection (1) or (2), the surety is relieved of further obligation under the bond if:

(a) the surety's current name and address are on the bail bond in the court's file; and

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(b) the surety does not otherwise have actual notice of the defendant's failure to appear.

77-20b-104 Forfeiture of bail.

(1) If a surety fails to bring the defendant before the court within the time provided in Section 77-20b-102, the prosecuting attorney may request the forfeiture of the bail by:

(a) filing a motion for bail forfeiture with the court, supported by proof of notice to the surety of the defendant's nonappearance; and

(b) mailing a copy of the motion to the surety.

(2) A court shall enter judgment of bail forfeiture without further notice if it finds by a preponderance of the evidence:

(a) the defendant failed to appear as required;

(b) the surety was given notice of the defendant's nonappearance in accordance with Section 77-20b-101;

(c) the surety failed to bring the defendant to the court within the six-month period under Section 77-20b-102; and

(d) the prosecutor has complied with the notice requirements under Subsection (1).

(3) If the surety shows by a preponderance of the evidence that it has failed to bring the defendant before the court because the defendant is deceased through no act of the surety, the court may not enter judgment of bail forfeiture. **(* A forfeiture defense*)**

B. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20. BAIL

77-20-7 Duration of liability on undertaking --Notices to sureties -- Exoneration if charges not filed.

- Notice of any required appearance by the defendant may be given by the court to the sureties who shall thereupon cause the defendant's appearance as required. *Any failure of the defendant to appear when required is a breach of the conditions of the undertaking or bail and subjects it to forfeiture irrespective of whether or not notice was given to the sureties.*
- If no information or indictment charging a person with an offense is filed in court within 120 days after the date of the bail undertaking or cash receipt, the court may relieve a person from conditions of release at the person's

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request, and the bond or undertaking is exonerated without further order of the court unless the prosecutor requests an extension of time before the end of the 120-day period by:

4. Allotted Time between Forfeiture Declaration and Payment Due Date.

A. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20b. BAIL SURETY

77-20b-102 Time for bringing defendant to court.

(1) If notice of nonappearance has been mailed to a surety under Section 77-20b-101, the surety may bring the defendant before the court within six months of the date of nonappearance, during which time a forfeiture action on the bond may not be brought.

(2) A surety may request an extension of the six-month time period in Subsection (1), if the surety within that time:

(a) files a motion for extension with the court; and

(b) mails the motion for extension and a notice of hearing on the motion to the prosecutor.

(3) The court may extend the six-month time in Subsection (1) for not more than 60 days, if the surety has complied with Subsection (2) and the court finds good cause.

5. Forfeiture Defenses.

A. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20. BAIL

77-20-8.5 Sureties --Surrender of defendant --Arrest of defendant.

(1) (a) The sureties may at any time prior to a forfeiture of their bail surrender the defendant and obtain exoneration of their bail by filing written requests at the time of the surrender.

(b) To effect surrender, certified duplicate copies of the undertaking shall be delivered to a peace officer, who shall detain the defendant in his custody as upon a commitment, and shall in writing acknowledge the surrender upon one copy of the undertaking. This certified copy of the undertaking upon which the acknowledgment of surrender is endorsed shall be filed with the court. The court may then, upon proper application, order the undertaking exonerated and may order a refund of any paid premium, or part of a premium, as it finds just.

B. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20b. BAIL SURETY

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77-20b-103 Defendant in custody --Notice to prosecutor.

(1) If a surety is unable to bring a defendant to the court because the defendant is and will be in the custody of authorities of another jurisdiction for the duration of the six-month period under Section 77-20b-102, the surety shall notify the court and the prosecutor and provide the name, address, and telephone number of the custodial authority.

(2) If the defendant is subject to extradition or other means by which the state can return the defendant to the court's custody, and the surety gives notice under Subsection (1), the surety's bond shall be exonerated to the extent the bond exceeds the reasonable, actual, or estimated costs to extradite and return the defendant to the court's custody, upon the occurrence of the earlier of:

(a) the prosecuting attorney's lodging a detainer on the defendant; or

(b) 60 days after the surety gives notice to the prosecutor under Subsection (1), if the defendant remains in custody of the same authority during that 60-day period.

C. UTAH CODE, 1953 TITLE 31A. INSURANCE CODE CHAPTER 35. BAIL BOND SURETY LICENSING ACT PART 1. GENERAL PROVISIONS

31A-35-702 Early surrender without cause.

(1) If a bail bond agent without good cause surrenders a defendant to custody before the time specified in the undertaking of bail or the bail bond for the appearance of the defendant, or before any other occasion where the presence of the defendant in court is lawfully required, the bail or bail bond premium shall be returned in full.

(2) As used in this section, "good cause" includes:

(a) information received from a source credible under the circumstances that the defendant intends to fail to appear before the appropriate court at the date and time prescribed;

(b) the defendant providing materially false information on the application for bail or a bail bond;

(c) the court's increasing the amount of bail beyond sound underwriting criteria employed by the bail bond agent or bail bond surety;

(d) a material and detrimental change in the collateral posted by the defendant or one acting on his behalf;

(e) the defendant changing his address or telephone number without giving reasonable notice to the bail bond agent or bail bond surety;

(f) the defendant commits another crime, other than a minor traffic violation, as defined by department rule, while on bail;

(g) failure by the defendant to appear in court at the appointed time;
or

(h) a finding of guilt against the defendant by a court of competent jurisdiction.

6. Remission.

A. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20b. BAIL SURETY

77-20b-104 Forfeiture of bail.

(4) The amount of bail forfeited is the face amount of the bail bond, but if the defendant is in the custody of another jurisdiction and the state extradites or intends to extradite the defendant, the court may reduce the amount forfeited to the actual or estimated costs of returning the defendant to the court's jurisdiction.

7.. Bail Agent's Arrest Authority.

A. UTAH CODE, 1953 TITLE 53. PUBLIC SAFETY CODE CHAPTER 11. BAIL BOND RECOVERY

53-11-102

(1) "Bail enforcement agent" means an individual licensed under this chapter as a bail enforcement agent to enforce the terms and conditions of a defendant's release on bail in a civil or criminal proceeding, *to apprehend a defendant or surrender a defendant to custody, or both, as is appropriate,*

(2) "Bail recovery agent" means an individual employed by a bail enforcement agent to assist the bail enforcement agent regarding civil or criminal defendants released on bail by:

(a) presenting a defendant for required court appearances;

(b) apprehending or surrendering a defendant to a court; or

(c) keeping the defendant under necessary surveillance.

B. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20. BAIL

77-20-8.5 Sureties --Surrender of defendant --Arrest of defendant.

(2) For the purpose of surrendering the defendant, the sureties may arrest him at any time before they are finally exonerated and at any place within the state.

(3) A surety acting under this section is subject to the provisions of Title 53, Chapter 10, Bail Bond Recovery.

8. Other Noteworthy Provisions.

A. UTAH CODE, 1953 TITLE 31A. INSURANCE CODE CHAPTER 35. BAIL BOND SURETY LICENSING ACT

B. UTAH CODE, 1953 TITLE 77. UTAH CODE OF CRIMINAL PROCEDURE CHAPTER 20b. BAIL SURETY

77-20b-101 Entry of nonappearance --Notice to surety --Release of surety on failure of timely notice.

(1) If a defendant who has posted bail fails to appear before the appropriate court when required and the court issues a bench warrant or directs that the surety be given notice of the nonappearance, the clerk of the court shall:

(a) mail notice of nonappearance by certified mail, return receipt requested, within 30 days to the address of the surety who posted the bond; and

(b) deliver a copy of the notice sent under Subsection (1)(a) to the prosecutor's office at the same time notice is sent under Subsection (1)(a).

(2) If notice is not provided in accordance with Subsection (1)(a), the prosecutor may mail notice of nonappearance by certified mail, return receipt requested, to the address of the surety within seven days after the end of the 30-day period under Subsection (1)(a).

(3) If notice of nonappearance is not mailed to a surety, other than the defendant, in accordance with Subsection (1) or (2), the surety is relieved of further obligation under the bond if:

(a) the surety's current name and address are on the bail bond in the court's file; and

(b) the surety does not otherwise have actual notice of the defendant's failure to appear.

C. UTAH CODE, 1953 TITLE 31A. INSURANCE CODE CHAPTER 35. BAIL BOND SURETY LICENSING ACT PART 6. CONDUCT OF BAIL BOND BUSINESS

31A-35-601 Acts of agent.

(1) As used in this section;

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(a) "Bail recovery agent" means an individual employed by a bail enforcement agent to assist the bail enforcement agent regarding civil or criminal defendants released on bail by:

- (i) presenting a defendant for required court appearances;
- (ii) apprehending or surrendering a defendant to a court; or
- (iii) keeping the defendant under necessary surveillance.

(b) "Bail recovery apprentice" means an individual who:

- (i) is employed by a bail enforcement agent; and
- (ii) works under the direct supervision of that bail enforcement agent or under the direct supervision of a bail recovery agent employed also by the bail enforcement agent, unless the bail recovery apprentice is conducting activities at the direction of the employing bail enforcement agent that do not require direct supervision.

(2) The acts or conduct of any bail bond agent or bail enforcement agent, bail recovery agent, or bail recovery apprentice who acts within the scope of the authority delegated to him by the bail bond surety, are considered to be the acts or conduct of the bail bond surety for which the bail bond agent or bail bond enforcement agent, bail recovery agent, or bail recovery apprentice is acting as agent.

(3) The acts or conduct of any bail bond agent or bail enforcement agent, bail recovery agent, or bail recovery apprentice who acts within the scope of the authority delegated to him by the bail bond agent are considered to be the acts or conduct of the bail bond agent for which the bail enforcement agent is acting as agent.

31A-35-602 – 608 Deals with the operating place of business, record keeping requirements, and guarantor's provisions for bail bond businesses.

31A-35-701 Prohibited acts for a "bail bond agent."

D. UTAH CODE, 1953 TITLE 53. PUBLIC SAFETY CODE CHAPTER 11. BAIL BOND RECOVERY

53-11-122 Requirements during search and seizure --Notification of law enforcement agency.

- A bail enforcement agent, bail recovery agent, or bail recovery apprentice shall observe the following requirements before taking action authorized under this chapter:

(1) identify himself as a "bail enforcement agent," "bail recovery agent," or "bail recovery apprentice"; and

(2) comply with the notification requirements of Section 53-11-123.

53-11-123 Notification of local law enforcement.

(1) (a) A bail enforcement agent or bail recovery agent who is searching for or planning to apprehend a person shall notify the local law enforcement agency if the search or apprehension will be conducted in an occupied structure within that law enforcement agency's jurisdiction.

(b) When possible, notification shall be provided before taking action, but always within 24 hours of taking action.

(c) When a bail enforcement agent or bail recovery agent is preparing to enter an occupied structure to carry out an arrest, he shall verbally advise the local law enforcement agency of his location and intended action prior to acting.

(2) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall each carry with him a written document providing proof and cause for the actions he is taking as a licensee, and shall make the document available to local law enforcement agencies upon request.

9. Noteworthy State Appellate Decisions.

A. BEEHIVE BAIL BONDS, INC., Petitioner, v. FIFTH DISTRICT COURT; State of Utah; Washington County; and James L. Shumate, District Judge, Respondents.

No. 960735-CA.

Court of Appeals of Utah.

Feb. 27, 1997.

- Surety sought extraordinary writ ordering district court to exonerate bail on four criminal cases, alleging that court had failed to comply with the Bail Forfeiture Procedure Act.

- The Court of Appeals held that:

(1) surety did not receive timely notice of two defendants' failure to appear and, thus, bail would have to be exonerated for them, and

(2) premature execution on the bail would be set aside.

B. Dennis CLARK dba Ed Tolman Bail Bonding Company, and H.C. Heninger & Doris Heninger dba H.C.Heninger Bail Bonding Company v. SECOND CIRCUIT COURT, STATE OF UTAH, CACHE COUNTY

No. 21062.

Supreme Court of Utah.

Aug. 18, 1987.

- A Circuit judge, on own initiative, forfeited bail posted for three defendants and entered judgment against bail bondsman on those bonds. Affected bail bondsman and other bail bondsmen filed petition for extraordinary writ challenging bail forfeitures. The day after petition was filed, another Circuit Court judge delivered letter to sheriff prohibiting all petitioners from posting bail in that circuit, while petition was pending in court. Bail bondsmen received no notice of this action.
- The First District Court, Cache County, dismissed the petition. Bail bondsmen other than the one whose bonds were forfeited appealed.
- The Supreme Court held that:

(1) appellants had no standing to appeal forfeiture of first bail bondsman's bonds, and

(2) extraordinary writ should have been granted.

C. H.C. HENINGER and Doris W. Heninger, Plaintiffs and Respondents, v. NINTH CIRCUIT COURT, STATE OF UTAH, WASHINGTON COUNTY, St. George Department, and Robert F. Owens, Circuit Judge, Defendants and Appellants.

No. 20976.

Supreme Court of Utah.

July 9, 1987.

- Bondsmen brought petition for extraordinary writ for review of order of circuit court forfeiting bonds in drunk driving cases, based on failure of defendants to pay fines, and for writ of prohibition barring enforcement of revocation of their bonding authority.
- The Fifth District Court, Washington County, granted summary judgment in favor of bondsmen, holding that bonds were exonerated at time of sentence and that bondsmen were entitled to notice and hearing on revocation of bonding authority. Appeal was brought.
- The Supreme Court held that:

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- (1) bondsmen were entitled to proceed by petition for extraordinary writ;
- (2) bonds were exonerated at time of surrender for execution of sentence, where no further appearances by defendants were required, except as to one defendant who failed to appear for execution; and
- (3) bondsmen were entitled to notice, hearing and reasoned explanation of court's decision prior to revocation of their bonding authority.

10. Bounty Hunter Provisions.

See above under #2 re bail enforcement and bail recovery agents.