

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2231

AN ACT

AMENDING SECTION 13-3974, ARIZONA REVISED STATUTES; RELATING TO BAIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3974, Arizona Revised Statutes, is amended to
3 read:
4 13-3974. Exoneration of appearance bond; remission
5 A. A surety ~~may~~ SHALL be relieved from liability on ~~an~~ THE appearance
6 bond ON WHICH THE DEFENDANT IS RELEASED if ONE OF THE FOLLOWING APPLIES:
7 1. The surety surrenders the defendant ON THAT APPEARANCE BOND into
8 the custody of the sheriff of the county in which the prosecution is pending
9 ON OR BEFORE THE DAY AND TIME THE DEFENDANT IS ORDERED TO APPEAR IN COURT and
10 the sheriff reports the surrender to the court.
11 2. THE DEFENDANT IS IN THE CUSTODY OF THE SHERIFF OF THE COUNTY IN
12 WHICH THE PROSECUTION IS PENDING ON OR BEFORE THE DAY AND TIME THE DEFENDANT
13 IS ORDERED TO APPEAR IN COURT, THE SURETY PROVIDES AN AFFIDAVIT OF SURRENDER
14 OF THE APPEARANCE BOND TO THE SHERIFF AND THE SHERIFF REPORTS THE AFFIDAVIT
15 OF SURRENDER OF THE APPEARANCE BOND AND THE DEFENDANT'S CUSTODY TO THE COURT.
16 3. BEFORE THE DEFENDANT IS RELEASED TO THE CUSTODY OF THE SURETY, THE
17 DEFENDANT IS RELEASED OR TRANSFERRED TO THE CUSTODY OF ANOTHER GOVERNMENT
18 AGENCY, PREVENTING THE DEFENDANT FROM APPEARING IN COURT ON THE DATE AND TIME
19 THE DEFENDANT IS ORDERED TO APPEAR, AND THE SURETY ESTABLISHES BOTH OF THE
20 FOLLOWING:
21 (a) THE SURETY DID NOT KNOW AND COULD NOT HAVE REASONABLY KNOWN OF THE
22 RELEASE OR TRANSFER OR THAT A RELEASE OR TRANSFER WAS LIKELY TO OCCUR.
23 (b) THE DEFENDANT'S FAILURE TO APPEAR WAS A DIRECT RESULT OF THE
24 RELEASE OR TRANSFER.
25 B. IF A SURETY IS RELIEVED OF LIABILITY PURSUANT TO SUBSECTION A,
26 PARAGRAPH 3 OF THIS SECTION, THE SURETY SHALL RETURN THE PREMIUM AND ANY AND
27 ALL COLLATERAL TO THE GUARANTORS OF THE BOND AND THE CLERK SHALL RETURN ANY
28 MONEY DEPOSITED.
29 C. SUBSECTION A, PARAGRAPH 3 OF THIS SECTION DOES NOT APPLY IF EITHER:
30 1. A DETAINER WAS PLACED ON THE DEFENDANT BEFORE THE BOND WAS POSTED.
31 2. THE RELEASE OR TRANSFER TO ANOTHER GOVERNMENT AGENCY IS FOR A
32 PERIOD OF TWENTY-FOUR HOURS OR LESS.