Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

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

CHAPTER 133

HOUSE BILL 2231

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3974, Arizona Revised Statutes, is amended to read:

13-3974. Exoneration of appearance bond; remission

A. A surety ~~may~~ SHALL be relieved from liability on ~~an~~ THE appearance bond ON WHICH THE DEFENDANT IS RELEASED if ONE OF THE FOLLOWING APPLIES:

1. The surety surrenders the defendant ON THAT APPEARANCE BOND into the custody of the sheriff of the county in which the prosecution is pending ON OR BEFORE THE DAY AND TIME THE DEFENDANT IS ORDERED TO APPEAR IN COURT and the sheriff reports the surrender to the court.

2. THE DEFENDANT IS IN THE CUSTODY OF THE SHERIFF OF THE COUNTY IN WHICH THE PROSECUTION IS PENDING ON OR BEFORE THE DAY AND TIME THE DEFENDANT IS ORDERED TO APPEAR IN COURT, THE SURETY PROVIDES AN AFFIDAVIT OF SURRENDER OF THE APPEARANCE BOND TO THE SHERIFF AND THE SHERIFF REPORTS THE AFFIDAVIT OF SURRENDER OF THE APPEARANCE BOND AND THE DEFENDANT'S CUSTODY TO THE COURT.

3. BEFORE THE DEFENDANT IS RELEASED TO THE CUSTODY OF THE SURETY, THE DEFENDANT IS RELEASED OR TRANSFERRED TO THE CUSTODY OF ANOTHER GOVERNMENT AGENCY, PREVENTING THE DEFENDANT FROM APPEARING IN COURT ON THE DATE AND TIME THE DEFENDANT IS ORDERED TO APPEAR, AND THE SURETY ESTABLISHES BOTH OF THE FOLLOWING:

(a) THE SURETY DID NOT KNOW AND COULD NOT HAVE REASONABLY KNOWN OF THE RELEASE OR TRANSFER OR THAT A RELEASE OR TRANSFER WAS LIKELY TO OCCUR.

(b) THE DEFENDANT'S FAILURE TO APPEAR WAS A DIRECT RESULT OF THE RELEASE OR TRANSFER.

B. IF A SURETY IS RELIEVED OF LIABILITY PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS SECTION, THE SURETY SHALL RETURN THE PREMIUM AND ANY AND ALL COLLATERAL TO THE GUARANTORS OF THE BOND AND THE CLERK SHALL RETURN ANY MONEY DEPOSITED.

C. SUBSECTION A, PARAGRAPH 3 OF THIS SECTION DOES NOT APPLY IF EITHER:

1. A DETAINER WAS PLACED ON THE DEFENDANT BEFORE THE BOND WAS POSTED.

2. THE RELEASE OR TRANSFER TO ANOTHER GOVERNMENT AGENCY IS FOR A PERIOD OF TWENTY-FOUR HOURS OR LESS.

APPROVED BY THE GOVERNOR APRIL 29, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2013.

Passed the House February 28, 2013

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 11, 2013

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

Secretary of State

H.B. 2231

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 17, 2013,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

Cheryl Laube /Pro Tempore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25 day of April, 2013,

at 8:30 o'clock P M.

Michaela Howard

Secretary to the Governor

Approved this 29th day of

April, 2013,

at 4:45 o'clock P. M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30th day of April, 2013,

at 9:35 o'clock a M.

Ken Bennett

Secretary of State

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