

Introduced by Senator Correa

February 19, 2010

An act to amend Section 1297 of the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

SB 1296, as introduced, Correa. Bail: deposit claims.

Under existing law, when money has been deposited in lieu of bail in satisfaction of any judgment for the payment of a fine, a receipt is issued in the name of the depositor. If the person to whom the receipt was issued was not the defendant, the deposit after judgment shall be returned to that person within 10 days after the person claims it by submitting the receipt, and if a claim is not made within 10 days of the exoneration of the bail, the clerk shall immediately notify the depositor of the exoneration of the bail.

This bill would extend the above time periods relating to claims for deposits after judgment from 10 days to 14 days.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1297 of the Penal Code is amended to
2 read:
3 1297. When money has been deposited, a receipt shall be issued
4 in the name of the depositor. If the money remains on deposit at
5 the time of a judgment for the payment of a fine, the clerk shall,
6 under the direction of the court, if the defendant be the depositor,
7 apply the money in satisfaction thereof, and after satisfying
8 restitution to the victim or the Restitution Fund, fines, and costs,

1 shall refund the surplus, if any, to the defendant. If the person to
2 whom the receipt for the deposit was issued was not the defendant,
3 the deposit after judgment shall be returned to that person within
4 ~~10~~ 14 days after the person claims it by submitting the receipt,
5 and, if a claim is not made within ~~10~~ 14 days of the exoneration
6 of bail, the clerk shall immediately notify the depositor of the
7 exoneration of bail.

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