

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1082

Introduced by Assembly Member Linder

February 27, 2015

~~An act to amend Section 1305.3 of the Penal Code, relating to bail.~~
~~An act to amend Section 1305.4 of the Penal Code, relating to bail.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1082, as amended, Linder. ~~Bail forfeiture: prosecution costs. Bail forfeiture: motion to extend time.~~

Existing law permits the surety insurer, the bail agent, the surety, or the depositor to file a motion, based upon good cause, for an order to extend the 180-day period following forfeiture of the undertaking of bail or the money or property deposited as bail, as specified. Existing law permits the court, upon a hearing and showing of good cause, to order the period extended to a time not exceeding 180 days from its order. Existing law requires the moving party to give the prosecuting agency a written notice of at least 10 court days before the hearing as a condition precedent to granting the motion.

This bill would change the period of time to require the moving party to give the prosecuting agency a written notice of at least 12 court days before the hearing as a condition precedent to granting the motion.

~~Existing law provides that the applicable prosecuting agency shall recover, out of forfeited bail money, the costs incurred in successfully opposing a motion to vacate the forfeiture and in collecting on the summary judgment, as specified.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

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 1305.4 of the Penal Code is amended to
2 read:

3 1305.4. Notwithstanding Section 1305, the surety insurer, the
4 bail agent, the surety, or the depositor may file a motion, based
5 upon good cause, for an order extending the 180-day period
6 provided in that section. The motion shall include a declaration or
7 affidavit that states the reasons showing good cause to extend that
8 period. The court, upon a hearing and a showing of good cause,
9 may order the period extended to a time not exceeding 180 days
10 from its order. A motion may be filed and calendared as provided
11 in subdivision (j) of Section 1305. In addition to any other notice
12 required by law, the moving party shall give the prosecuting agency
13 a written notice at least ~~10~~ 12 court days before a hearing held
14 pursuant to this section as a condition precedent to granting the
15 motion.

16 ~~SECTION 1. Section 1305.3 of the Penal Code is amended to~~
17 ~~read:~~

18 ~~1305.3. The district attorney, county counsel, or applicable~~
19 ~~prosecuting agency, as the case may be, shall recover, out of the~~
20 ~~forfeited bail money, the costs incurred in successfully opposing~~
21 ~~a motion to vacate the forfeiture and in collecting on the summary~~
22 ~~judgment, prior to the division of the forfeited bail money between~~
23 ~~the cities and counties in accordance with Section 1463.~~

O