

WITHDRAWN

The House Committee on Judiciary Non-Civil offers the following substitute to SB 63:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds
2 and recognizances, so as to provide for setting of bonds and schedules of bails; to provide
3 for release of individuals on bail for misdemeanors; to limit unsecured judicial releases; to
4 revise surety liability; to provide for return of compensation by surety to principal; to change
5 the fee for continuing education programs for bail recovery agents; to revise when forfeiture
6 of bonds occurs; to revise procedures relating to execution hearings; to revise procedures for
7 judgments on forfeitures and remission of bond funds; to revise definitions; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and
12 recognizances, is amended in Code Section 17-6-1, relating to when offenses bailable,
13 procedure, schedule of bails, and appeal bonds, by revising paragraph (4) of subsection (e),
14 paragraph (1) of subsection (f), and subsection (i) as follows:

15 "(4) A bond set for any offense by an elected judge, an appointed judge ~~filling the~~
16 ~~vacancy of an elected judge~~, or a judge sitting by designation that purports a dollar

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17 amount shall be executed in the full-face amount of such bond through secured means as
18 provided for in Code Section 17-6-4 or 17-6-50 or shall be executed by use of property
19 as approved by the sheriff in the county where the offense was committed."

20 "(f)(1) Except as provided in subsection (a) of this Code section or as otherwise provided
21 in this subsection, the judge of any court of inquiry may by written order establish a
22 schedule of bails, inclusive of offenses that are violations of local ordinances, and unless
23 otherwise ordered by the judge of any court, an accused shall be released from custody
24 upon posting bail as fixed in the schedule; provided, however, that no bail schedule, local
25 standing order, official policy, or local ordinance shall mandate releasing an accused on
26 unsecured judicial release as defined in Code Section 17-6-12 prior to the accused
27 appearing before a judge of any court of inquiry. Nothing in this paragraph shall prohibit
28 unsecured judicial release for any person charged under any provision of local or state
29 law not providing for a sentence of confinement in a penal institution or state, county, or
30 local jail."

31 "(i) As used in this Code section, the term 'bail' shall only include the release of a person
32 on an unsecured judicial release, except as limited by Code Section 17-6-12 by the use of
33 secured means as provided in Code Sections 17-6-4 and 17-6-5, professional bondsmen as
34 provided in Code Section 17-6-50, or property as approved by the sheriff in the county
35 where the offense was committed."

36 **SECTION 2.**

37 Said chapter is further amended in Code Section 17-6-2, relating to acceptance of bail in
38 misdemeanor cases and posting driver's license as collateral for bail, by revising subsection
39 (b) as follows:

40 "(b) In all other misdemeanor cases, sheriffs and constables shall accept bail in such
41 reasonable sufficient amount as may be just and fair for any person or persons charged with
42 a misdemeanor, provided that the sureties tendered and offered on the bond ~~are~~ shall only

43 include the release of a person by the use of secured means as provided in Code
 44 Sections 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50,
 45 or property as approved by the sheriff in the county where the offense was committed."

46

SECTION 3.

47 Said chapter is further amended by revising Code Section 17-6-12, relating to unsecured
 48 judicial release, requirement, and effect of failure of person charged to appear for trial, as
 49 follows:

50 "17-6-12.

51 (a) As used in this Code section, the term:

52 (1) 'Bail restricted offense' means the person is charged with an offense of:

53 ~~(A) An offense of:~~

54 ~~(i)(A)~~ Murder or felony murder, as defined in Code Section 16-5-1;

55 ~~(ii)(B)~~ Armed robbery, as defined in Code Section 16-8-41;

56 ~~(iii)(C)~~ Kidnapping, as defined in Code Section 16-5-40;

57 ~~(iv)(D)~~ Rape, as defined in Code Section 16-6-1;

58 ~~(v)(E)~~ Aggravated child molestation, as defined in subsection (c) of Code
 59 Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of
 60 Code Section 16-6-4;

61 ~~(vi)(F)~~ Aggravated sodomy, as defined in Code Section 16-6-2; ~~or~~

62 ~~(vii)(G)~~ Aggravated sexual battery, as defined in Code Section 16-6-22.2;

63 ~~(B) A felony offense of:~~

64 ~~(i)(H)~~ Aggravated assault;

65 ~~(ii)(I)~~ Aggravated battery;

66 ~~(iii)(J)~~ Hijacking a motor vehicle in the first degree;

67 ~~(iv)(K)~~ Aggravated stalking;

68 ~~(v)(L)~~ Child molestation;

- 69 ~~(vi)~~(M) Enticing a child for indecent purposes;
- 70 ~~(vii)~~(N) Pimping;
- 71 ~~(viii)~~(O) Robbery;
- 72 ~~(viii.1)~~(P) Burglary;
- 73 ~~(ix)~~(Q) Bail jumping;
- 74 ~~(x)~~(R) Escape;
- 75 ~~(xi)~~(S) Possession of a firearm or knife during the commission of or attempt to commit
- 76 certain crimes;
- 77 ~~(xii)~~(T) Possession of firearms by convicted felons and first offender probationers;
- 78 ~~(xiii)~~(U) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;
- 79 ~~(xiv)~~(V) Participating in criminal ~~street~~ gang activity, in violation of Code
- 80 Section 16-15-4;
- 81 ~~(xv)~~(W) Habitual violator;
- 82 ~~(xvi)~~(X) Driving under the influence of alcohol, drugs, or other intoxicating
- 83 substances;
- 84 ~~(xvii)~~(Y) Entering an automobile or other mobile vehicle with intent to commit theft
- 85 or felony, as defined in Code Section 16-8-18; ~~or~~
- 86 ~~(xviii)~~(Z) Stalking; ~~or~~
- 87 ~~(C)~~ ~~A misdemeanor offense of:~~
- 88 ~~(i)~~(AA) Crimes involving family violence, as defined in Code Section 19-13-1; ~~or~~
- 89 ~~(ii)~~ ~~Stalking:~~
- 90 (BB) Reckless stunt driving, as described in Code Section 40-6-390.1, provided that
- 91 such offense is the person's second or subsequent offense;
- 92 (CC) Promoting or organizing an exhibition of drag races or laying drags, as described
- 93 in Code Section 16-11-43.1;
- 94 (DD) Laying drags, as defined in Code Section 40-6-251;

- 95 (EE) Reckless driving, as described in Code Section 40-6-390, provided that such
96 offense is the person's second or subsequent offense;
- 97 (FF) Fleeing or attempting to elude a police officer, as described in Code
98 Section 40-6-395;
- 99 (GG) Obstruction of a law enforcement officer, as described in Code Section 16-10-29;
100 (HH) Criminal trespass, as described in Code Section 16-7-21, provided that such
101 offense is the person's second or subsequent offense;
- 102 (II) Theft by taking, as described in Code Section 16-8-2, provided that such offense
103 is the person's second or subsequent offense;
- 104 (JJ) Theft by deception, as described in Code Section 16-8-3;
- 105 (KK) Theft by extortion, as described in Code Section 16-8-16;
- 106 (LL) Destruction, removal, concealment, encumbrance, or transfer of property subject
107 to security interest, as described in Code Section 16-9-51;
- 108 (MM) Bribery, as described in Code Section 16-10-2;
- 109 (NN) Purchase, possession, manufacture, distribution, or sale of controlled substances
110 or marijuana, as described in Code Section 16-13-30;
- 111 (OO) Forgery, as described in Code Section 16-9-1;
- 112 (PP) Exploitation and intimidation of disabled adults, elder persons, and residents or
113 obstruction of an investigation, as described in Code Section 16-5-102;
- 114 (QQ) Battery, as described in Code Section 16-5-23.1;
- 115 (RR) Voluntary manslaughter, as described in Code Section 16-5-2;
- 116 (SS) Cruelty to animals, as described in Code Section 16-12-4;
- 117 (TT) Violation of oath by a public officer, as described in Code Section 16-10-1;
- 118 (UU) Financial transaction card fraud, as described in Code Section 16-9-33;
- 119 (VV) Financial transaction card theft, as described in Code Section 16-9-31;
- 120 (WW) Identity fraud, as described in Code Section 16-9-121;
- 121 (XX) Racketeering and conspiracy, as described in Code Section 16-14-4;

122 (YY) Trafficking of persons for labor or sexual servitude, as described in Code
 123 Section 16-5-46;

124 (ZZ) Failure to appear, as described in Code Section 40-13-63, provided that such
 125 offense is the person's second or subsequent offense;

126 (AAA) Domestic terrorism, as described in Code Section 16-11-221;

127 (BBB) Riot, as described in Code Section 16-11-30;

128 (CCC) Inciting to riot, as described in Code Section 16-11-31;

129 (DDD) Unlawful assembly, as described in Code Section 16-11-33; or

130 (EEE) Possession of tools for commission of a crime, as described in Code
 131 Section 16-7-20.

132 (2) 'Unsecured judicial release' means any release that does not purport a dollar amount
 133 through secured means as provided for in Code Section 17-6-4 or 17-6-50 or property as
 134 approved by the sheriff in the county where the offense was committed and that is:

135 (A) On a person's own recognizance; or

136 (B) For the purpose of entering a pretrial release program, a pretrial release and
 137 diversion program as provided for in Article 4 of Chapter 3 of Title 42, or a pretrial
 138 intervention and diversion program as provided for in Article 4 of Chapter 18 of
 139 Title 15, or pursuant to Uniform Superior Court Rule 27.

140 (b) An elected judge, an appointed judge ~~filling the vacancy of an elected judge~~, or a judge
 141 sitting by designation may issue an unsecured judicial release if:

142 ~~(1) Such such unsecured judicial release is noted on the release order; and~~

143 ~~(2) The person is not charged with a bail restricted offense.~~

144 (c) Except as provided in subsection (b) of this Code section and in addition to other laws
 145 regarding the release of an accused person, the judge of any court having jurisdiction over
 146 a person charged with committing an offense against the criminal laws of this state shall
 147 have authority, in his or her sound discretion and in appropriate cases, to authorize the
 148 release of the person on an unsecured judicial release only.

149 (d) Upon the failure of a person released on an unsecured judicial release to appear for
150 trial, if the release is not otherwise conditioned by the court, absent a finding of sufficient
151 excuse to appear, the court shall summarily issue an order for his or her arrest which shall
152 be enforced as in cases of forfeited bonds.

153 (e) No person charged with a bail restricted offense shall be eligible for release by any
154 judge on an unsecured judicial release. Such persons charged with a bail restricted offense
155 shall only be eligible for release through the use of secured means as provided in Code
156 Sections 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50,
157 or property as approved by the sheriff in the county where the offense was committed.

158 (f) No person sentenced pursuant to subsection (b) or (c) of Code Section 17-10-7 shall be
159 eligible for release by any judge on an unsecured judicial release. Such persons shall only
160 be eligible for release through the use of secured means as provided in Code Sections
161 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50, or
162 property as approved by the sheriff in the county where the offense was committed.

163 (g) Any person arrested for any offense who has previously been convicted for any felony
164 within the preceding seven years shall not be eligible for release by any judge on an
165 unsecured judicial release. Such person shall only be eligible for release through the use
166 of secured means as provided in Code Sections 17-6-4 and 17-6-5, professional bondsmen
167 as provided in Code Section 17-6-50, or property as approved by the sheriff in the county
168 where the offense was committed."

169 **SECTION 4.**

170 Said chapter is further amended in Code Section 17-6-31, relating to surrender of principal
171 by surety, forfeiture of bond, and death of principal, by revising subsections (a) and (d) as
172 follows:

173 "(a) When the court is not in session, a surety on a bond may surrender the surety's
174 principal to the sheriff or to the responsible law enforcement officer of the jurisdiction in

175 which the case is pending in order to be released from liability. If the sheriff or the
 176 responsible law enforcement officer of the jurisdiction refuses such surrender, the surety
 177 shall be released from liability."

178 "(d)(1) Furthermore, the surety shall be released from liability if, prior to entry of
 179 judgment, there is:

180 (A) A deferred sentence;

181 (B) A presentence investigation;

182 (C) ~~A court ordered~~ Entry into a pretrial intervention and diversion program;

183 (D) ~~A court ordered~~ Entry into an educational and rehabilitation program;

184 (E) A fine;

185 (F) A dead docket; ~~or~~

186 (G) Death of the principal;

187 (H) Participation in an accountability court; or

188 (I) Entry into a pretrial release program.

189 (2) Furthermore, the surety ~~may~~ shall be released from liability at the discretion of the
 190 court if:

191 ~~(A) The~~ the principal used a false name when he or she was bound over and committed
 192 to jail or a correctional institution and was subsequently released from such facility
 193 unless the surety knew or ~~should have known~~ had reason to know that the principal
 194 used a false name; ~~and~~

195 ~~(B) The surety shows to the satisfaction of the court that he or she acted with due~~
 196 ~~diligence and used all practical means to secure the attendance of the principal before~~
 197 ~~the court."~~

198 **SECTION 5.**

199 Said chapter is further amended in Code Section 17-6-54, relating to no further compensation
 200 after becoming surety, when sum received to be returned to defendant, and right to surrender

201 defendant and to keep sum paid when defendant forfeits, by revising subsection (a) as
 202 follows:

203 "(a) No professional bondsman or his or her agents or employees who receive
 204 compensation for becoming the surety on a criminal bond shall thereafter receive any other
 205 sum in the case as compensation. If the surety surrenders a defendant into the custody of
 206 the court, the sheriff, or another law enforcement officer in the jurisdiction where the bond
 207 was made before final disposition of the case, the surety is required to return to the
 208 principal the compensation received for signing the bond as surety if such surrender of the
 209 defendant is for reasons other than:

210 (1) The defendant's arrest for a crime other than a traffic violation or ~~misdemeanor~~ local
 211 ordinance violation;

212 (2) The defendant's cosigner attests in writing the desire to be released from the bond;

213 (3) The defendant fails to provide to ~~the court and~~ the surety the defendant's change of
 214 address;

215 (4) The defendant fails to pay any fee due to the surety after being notified ~~by certified~~
 216 ~~mail or statutory overnight delivery~~ that the same is past due;

217 (5) The defendant fails to notify ~~the court and~~ the surety upon leaving the jurisdiction of
 218 the court; or

219 (6) The defendant provides false information to the surety."

220 **SECTION 6.**

221 Said chapter is further amended in Code Section 17-6-56.1, relating to continuing education
 222 programs for bail recovery agents, fee, annual requirement, and certificate of completion, by
 223 revising subsection (b) as follows:

224 "(b) The fee for continuing education programs for bail recovery agents shall not exceed
 225 ~~\$125.00~~ \$250.00 annually."

226

SECTION 7.

227 Said chapter is further amended in Code Section 17-6-70, relating to when forfeiture occurs,
 228 by revising subsection (b) as follows:

229 "(b) An appearance bond shall not be forfeited unless the clerk of the court gave the surety
 230 at least 72 hours' written notice, exclusive of Saturdays, Sundays, and legal holidays, before
 231 the time of the required appearance of the principal. Notice shall not be necessary if the
 232 time for appearance is within 72 hours from the time of arrest, provided the time for
 233 appearance is stated on the bond, ~~or where the principal is given actual notice in open~~
 234 ~~court."~~

235

SECTION 8.

236 Said chapter is further amended by revising Code Section 17-6-71, relating to execution
 237 hearing on failure of principal to appear, as follows:

238 "17-6-71.

239 (a) ~~The judge shall, at the end of the court day, upon the failure of the principal to appear,~~
 240 ~~forfeit the bond, issue a bench warrant for the principal's arrest, and order an execution~~
 241 ~~hearing not sooner than 120 days but not later than 150 days after such failure to appear.~~
 242 ~~Notice of the execution hearing shall be served by the clerk of the court in which the bond~~
 243 ~~forfeiture occurred within ten days of such failure to appear by certified mail or by~~
 244 ~~electronic means as provided in Code Section 17-6-50 to the surety at the address listed on~~
 245 ~~the bond or by personal service to the surety within ten days of such failure to appear at its~~
 246 ~~home office or to its designated registered agent. Service shall be considered complete~~
 247 ~~upon the mailing of such certified notice. Such ten-day notice shall be adhered to strictly.~~
 248 ~~If notice of the execution hearing is not served as specified in this subsection, the surety~~
 249 ~~shall be relieved of liability on the appearance bond~~ The judge shall, at the end of the court
 250 day, upon the failure of the principal to appear, forfeit the bond and issue a bench warrant
 251 for the principal's arrest. If the forfeiture and bench warrant are not issued and signed

252 within ten days of the failure to appear, the surety shall be relieved of liability on the
253 appearance bond. Upon forfeiting the bond, the judge shall order an execution hearing not
254 sooner than 150 days but not later than 180 days after such failure to appear. If the
255 execution hearing is not ordered as specified in this subsection, the surety shall be relieved
256 of liability on the appearance bond. Notice of the execution hearing and a copy of the
257 bench warrant shall be served by the clerk of the court in which the bond forfeiture
258 occurred within ten days of such failure to appear by certified mail, return receipt
259 requested, or by electronic means as provided in Code Section 17-6-50 to the surety at the
260 address listed on the bond or by personal service to the surety within ten days of such
261 failure to appear at its home office or to its designated registered agent. Service shall be
262 considered complete upon the mailing of such certified notice. Such ten-day notice shall
263 be adhered to strictly. If notice of the execution hearing and bench warrant are not served
264 as specified in this subsection, the surety shall be relieved of liability on the appearance
265 bond.

266 (b) If at the execution hearing it is determined that judgment should be entered, the judge
267 shall so order and a writ of fieri facias shall be filed in the office of the clerk of the court
268 where such judgment is entered. Notice of the judgment shall be served by the clerk of the
269 court in which entry of judgment occurred within ten days of such entry by certified mail,
270 return receipt requested, or by electronic means as provided in Code Section 17-6-50 to the
271 surety at the address listed on the bond or by personal service to the surety within ten days
272 of such entry of judgment at its home office or to its designated registered agent. Service
273 shall be considered complete upon the mailing of such certified notice. Such ten-day notice
274 shall be adhered to strictly. If the notice of the judgment is not served in the time frame as
275 specified in this subsection, the surety shall be relieved of liability on the appearance bond,
276 the judgment shall be marked satisfied, and the writ of fieri facias shall be canceled. The
277 provisions of this subsection shall apply to all bail bonds, whether returnable to superior
278 court, state court, probate court, magistrate court, or municipal court."

279 **SECTION 9.**

280 Said chapter is further amended in Code Section 17-6-72, relating to conditions not
281 warranting forfeiture of bond for failure to appear and remission of forfeiture, by revising
282 subsections (b), (c), (d), and (e) as follows:

283 "(b) No judgment shall be rendered on a forfeiture of any appearance bond if ~~it is shown~~
284 ~~to the satisfaction of the court that~~ the principal on the bond was prevented from attending
285 because he or she was detained by reason of arrest, sentence, or confinement in a penal
286 institution or jail in the State of Georgia, or so detained in another jurisdiction, or because
287 he or she was involuntarily confined or detained pursuant to court order in a mental
288 institution in the State of Georgia or in another jurisdiction. ~~An official written~~ Written
289 notice of the holding institution in which the principal is being detained or confined shall
290 be considered proof of the principal's detention or confinement. ~~Such notice may be sent~~
291 ~~from the holding institution by mail or e-mail or delivered by hand or by facsimile~~
292 ~~machine.~~ Upon the presentation of such written notice to the clerk of the proper court, the
293 prosecuting attorney, and the sheriff or other law enforcement officer having jurisdiction
294 over the case, along with a letter of intent to pay all costs of returning the principal to the
295 jurisdiction of the court, such notice and letter shall serve as the surety's request for a
296 detainer or hold to be placed on the principal. Should there be a failure to place a detainer
297 or hold within ten business days of the surety's service of a detainer or hold request, and
298 after such presentation of such notice and letter of intent to pay costs, the surety shall then
299 be relieved of the liability for the appearance bond without further order of the court.

300 (c) No judgment shall be rendered on a forfeiture of any appearance bond if ~~it is shown to~~
301 ~~the satisfaction of the court that~~ prior to the entry of the judgment on the forfeiture the
302 principal on the bond is in the custody of the sheriff or other responsible law enforcement
303 agency. ~~An official written~~ Written notice of the holding institution in which the principal
304 is being detained or confined shall be considered proof of the principal's detention or
305 confinement. ~~Such notice may be sent from the holding institution by mail or e-mail or~~

306 ~~delivered by hand or by facsimile machine.~~ Upon presentation of such written notice to the
307 clerk of the proper court, the prosecuting attorney, and the sheriff or other law enforcement
308 officer having jurisdiction over the case along with a letter of intent to pay all costs of
309 returning the principal to the jurisdiction of the court, such notice and letter shall serve as
310 the surety's request for a detainer or hold to be placed against the principal. Should there
311 be a failure to place a detainer or hold within ten business days of the surety's service of
312 a detainer or hold request, and after presentation of such notice and letter of intent to pay
313 costs, the surety shall then be relieved of the liability for the appearance bond without
314 further order of the court."

315 "(d) In cases in which subsection (e) of this Code section is not applicable, the court shall
316 order remission under the following conditions:

317 (1) Provided the bond amount has been paid within ~~120~~ 150 days after entry of the
318 judgment ~~and the delay has not prevented prosecution of the principal~~ and upon
319 application filed within ~~120~~ 150 days from the payment of judgment with prior notice to
320 the prosecuting attorney of such application, said court shall direct remission of 95
321 percent of the bond amount remitted to the surety if the principal is produced,
322 surrendered, or otherwise appears before the court that has jurisdiction of the bond or if
323 the surety provides proof of the principal's incarceration or confinement in another
324 jurisdiction, proof of the principal's death, or proof that surrender of the principal was
325 denied by the sheriff or other responsible law enforcement officer within such ~~120~~ 150
326 day period following payment of the judgment;

327 (2) Provided the bond amount has been paid within ~~120~~ 150 days after the entry of
328 judgment ~~and the delay has not prevented prosecution of the principal~~, should the surety,
329 ~~within two years of the principal's failure to appear, locate the principal in the custody of~~
330 ~~the sheriff in the jurisdiction where the bond was made or in another jurisdiction causing~~
331 ~~the return of the principal to the jurisdiction where the bond was made, apprehend,~~
332 ~~surrender, or produce the principal, if the apprehension or surrender of the principal is~~

333 ~~substantially procured or caused by the surety, or if the location of the principal by the~~
334 ~~surety causes the adjudication of the principal in the jurisdiction in which the bond was~~
335 ~~made, the surety shall be entitled to a refund of 50 percent of the bond amount. The~~
336 ~~application for 50 percent remission shall be filed no later than 30 days following the~~
337 ~~expiration of the two-year period following the date of judgment upon application filed~~
338 ~~within 60 days following the expiration of the two-year period following the date of~~
339 ~~judgment with prior notice to the prosecuting attorney of such application, said court shall~~
340 ~~direct remission of 50 percent of the bond amount remitted to the surety if the principal~~
341 ~~is produced, surrendered, or otherwise appears before the court that has jurisdiction of the~~
342 ~~bond or if the surety provides proof of the principal's incarceration or confinement in~~
343 ~~another jurisdiction, proof of the principal's death, or proof that surrender of principal was~~
344 ~~denied by the sheriff or other responsible law enforcement officer within such two-year~~
345 ~~period following payment of the judgment; or~~

346 (3) ~~Remission~~ One hundred percent remission shall be granted upon condition of the
347 payment of court costs and of the expenses of returning the principal to the jurisdiction
348 by the surety.

349 (e)(1) If, within ~~120~~ 150 days from entry of the judgment, the surety surrenders the
350 principal to the sheriff or responsible law enforcement officer, or said surrender has been
351 denied by the sheriff or responsible law enforcement officer, or the surety locates the
352 principal in custody in another jurisdiction, the surety shall only be required to pay costs
353 and 5 percent of the face amount of the bond, which amount includes all surcharges. If
354 it is shown to the satisfaction of the court, by the presentation of competent evidence
355 from the sheriff or the holding institution, that said surrender has been made or denied or
356 that the principal is in custody in another jurisdiction or that said surrender has been made
357 and that 5 percent of the face amount of the bond and all costs have been tendered to the
358 sheriff, the court shall direct that the judgment be marked satisfied and that the writ of
359 fieri facias be canceled.

- 360 (2)(A) The court shall direct that the judgment be marked satisfied and that the writ of
361 fieri facias be canceled, if within ~~120~~ 150 days from entry of the judgment, the surety:
- 362 (i) Tenders an amount equal to 5 percent of the face amount of the bond and all costs
363 to the sheriff; and
- 364 (ii) Provides, in writing, the court and the prosecuting attorney for the court that has
365 jurisdiction of the bond with competent evidence giving probable cause to believe that
366 the principal is located in another jurisdiction within the United States and states that
367 it will provide for the reasonable remuneration for the rendition of the principal, as
368 estimated by the sheriff; and
- 369 (B) The prosecuting attorney for the court that has jurisdiction of the bond:
- 370 (i) Declines, in writing, to authorize or facilitate extradition; or
- 371 (ii) Within ten business days of the notice provided pursuant to division (2)(A)(ii) of
372 this subsection, fails to enter the appropriate extradition approval code into the
373 computerized files maintained by the Federal Bureau of Investigation National Crime
374 Information Center, thereby indicating an unwillingness to extradite the principal."

375 **SECTION 10.**

376 All laws and parts of laws in conflict with this Act are repealed.