

House Bill 392

By: Representative Allison of the 8<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-6-4 of the Official Code of Georgia Annotated, relating to  
2 authorization of posting of cash bonds generally, furnishing of receipt to person posting  
3 bond, recordation of receipt of bond on docket, and disposal of unclaimed bonds, so as to  
4 provide for the release of unclaimed bonds one year after surety is released; to provide for  
5 notice to the officer in possession of the cash bond; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 17-6-4 of the Official Code of Georgia Annotated, relating to authorization of  
10 posting of cash bonds generally, furnishing of receipt to person posting bond, recordation of  
11 receipt of bond on docket, and disposal of unclaimed bonds, is amended by revising  
12 subsection (c) as follows:

13 "(c) In the event that any cash bail posted pursuant to this Code section or Code Section  
14 17-6-5 is not later claimed by the surety on such bond after a period of ~~seven years from~~  
15 ~~the later of either the date on which the defendant was required to appear in court~~ one year  
16 from the date of the surety being released from liability pursuant to Code Section 17-6-31  
17 or the date of disposition of the case by the prosecutor or the court, including any appeal  
18 of a verdict or sentence, then the cash shall be paid into the general fund of the county  
19 having trial venue of the case, as in the case of forfeited cash bonds, provided that the  
20 officer who ~~accepted~~ is in possession of such cash bail shall first have notified the surety,  
21 by mailing notice to such surety at the last address given by such surety, that such funds  
22 shall be forfeited if they are not claimed within 90 days following the date of mailing of  
23 such notice. Any claim by a surety for refund of a cash bail shall include acceptable  
24 documentary proof of disposition of the case from the prosecuting official or appropriate  
25 court records or such other documentation as may be acceptable to the official holding such  
26 cash bail as proof that the case has been settled."

27

**SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.