

**Amendment No. CA3**

Amendment to (BDR 14-375)  
Senate Bill No. 369 Third Reprint

**Proposed by:** Conference Committee

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

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Date: 5/31/2021

S.B. No. 369—Revises provisions relating to criminal procedure. (BDR 14-375)





SENATE BILL NO. 369—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO CONDUCT AN  
INTERIM STUDY OF ISSUES RELATING TO PRETRIAL  
RELEASE OF DEFENDANTS IN CRIMINAL CASES)

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-375)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; providing that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court; requiring prosecuting attorneys under certain circumstances to prove by clear and convincing evidence that the imposition of bail or a condition of release, or both, on a person is necessary to protect the safety of the community or to ensure the appearance of the person in court; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

The Nevada Constitution prohibits the imposition of excessive bail and requires all persons arrested for offenses other than murder of the first degree to be admitted to bail. (Nev. Const. Art. 1, §§ 6, 7)

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail on the person was necessary to protect the safety of the community or to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) **Section 3** of this bill removes the provision of law that was found unconstitutional and **section 4** of this bill makes a conforming change.

Existing law sets forth separate procedures for releasing persons with bail and releasing persons without bail. (NRS 178.484, 178.4851) Specifically, existing law: (1) restricts persons from being released on bail under certain circumstances; and (2) mandates specific amounts of

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17 bail for offenses involving domestic violence and violations of certain orders for protections.  
18 (NRS 178.484) **Section 2** of this bill retains the existing restrictions and specific amounts of  
19 bail while **section 3** consolidates the existing procedures for releasing persons with bail and  
20 releasing persons without bail into a standard procedure for courts to follow in making pretrial  
21 custody determinations. **Sections 1, 5 and 6** of this bill make conforming changes to reflect  
22 the consolidation of the procedures.

23 **Section 3** requires the court: (1) to only impose bail or a condition of release, or both, on  
24 a person as it deems to be the least restrictive means necessary to protect the safety of the  
25 community or to ensure that the person will appear at all times and places ordered by the  
26 court, with regard to certain factors; and (2) to make certain findings of fact relating to the  
27 imposition of bail or any condition of release, or both.

28 **Section 3** also requires a prosecuting attorney, if he or she requests the imposition of bail  
29 or a condition of release on a person, to prove by clear and convincing evidence that the  
30 imposition of bail is necessary to protect the safety of the community or to ensure the  
31 appearance of the person in court.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 171.1845 is hereby amended to read as follows:

2 171.1845 1. If a person is brought before a magistrate under the provisions  
3 of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the  
4 person's arrest outstanding in another county of this State, the magistrate may  
5 release the person in accordance with the provisions of NRS ~~178.484 or~~ 178.4851  
6 if:

7 (a) The warrant arises out of a public offense which constitutes a misdemeanor;  
8 and

9 (b) The person provides a suitable address where the magistrate who issued the  
10 warrant in the other county can notify the person of a time and place to appear.

11 2. If a person is released under the provisions of this section, the magistrate  
12 who releases the person shall transmit the cash, bond, notes or agreement submitted  
13 under the provisions of NRS 178.502 or 178.4851, together with the person's  
14 address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds,  
15 notes or agreement and address, the magistrate who issued the warrant shall notify  
16 the person of a time and place to appear.

17 3. Any bail set under the provisions of this section must be in addition to and  
18 apart from any bail set for any public offense with which a person is charged in the  
19 county in which a magistrate is setting bail. In setting bail under the provisions of  
20 this section, a magistrate shall set the bail in an amount which is sufficient to induce  
21 a reasonable person to travel to the county in which the warrant for the arrest is  
22 outstanding.

23 4. A person who fails to appear in the other county as ordered is guilty of  
24 failing to appear and shall be punished as provided in NRS 199.335. A sentence of  
25 imprisonment imposed for failing to appear in violation of this section must be  
26 imposed consecutively to a sentence of imprisonment for the offense out of which  
27 the warrant arises.

28 **Sec. 2.** NRS 178.484 is hereby amended to read as follows:

29 178.484 1. Except as otherwise provided in this section, a person arrested  
30 for an offense other than murder of the first degree must be admitted to bail.

31 2. A person arrested for a felony who has been released on probation or  
32 parole for a different offense must not be admitted to bail unless:

33 (a) A court issues an order directing that the person be admitted to bail;

1 (b) The State Board of Parole Commissioners directs the detention facility to  
2 admit the person to bail; or

3 (c) The Division of Parole and Probation of the Department of Public Safety  
4 directs the detention facility to admit the person to bail.

5 3. A person arrested for a felony whose sentence has been suspended pursuant  
6 to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term  
7 of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense  
8 must not be admitted to bail unless:

9 (a) A court issues an order directing that the person be admitted to bail; or

10 (b) A department of alternative sentencing directs the detention facility to  
11 admit the person to bail.

12 4. A person arrested for murder of the first degree may be admitted to bail  
13 unless the proof is evident or the presumption great by any competent court or  
14 magistrate authorized by law to do so in the exercise of discretion, giving due  
15 weight to the evidence and to the nature and circumstances of the offense.

16 5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130,  
17 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating  
18 liquor must not be admitted to bail or released on the person's own recognizance  
19 unless the person has a concentration of alcohol of less than 0.04 in his or her  
20 breath. A test of the person's breath pursuant to this subsection to determine the  
21 concentration of alcohol in his or her breath as a condition of admission to bail or  
22 release is not admissible as evidence against the person.

23 6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130,  
24 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled  
25 substance, is under the combined influence of intoxicating liquor and a controlled  
26 substance, or inhales, ingests, applies or otherwise uses any chemical, poison or  
27 organic solvent, or any compound or combination of any of these, to a degree  
28 which renders the person incapable of safely driving or exercising actual physical  
29 control of a vehicle or vessel under power or sail must not be admitted to bail or  
30 released on the person's own recognizance sooner than 12 hours after arrest.

31 7. A person arrested for a battery that constitutes domestic violence pursuant  
32 to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the  
33 person is admitted to bail more than 12 hours after arrest, without appearing  
34 personally before a magistrate or without the amount of bail having been otherwise  
35 set by a magistrate or a court, the amount of bail must be:

36 (a) Three thousand dollars, if the person has no previous convictions of battery  
37 that constitute domestic violence pursuant to NRS 33.018 and there is no reason to  
38 believe that the battery for which the person has been arrested resulted in  
39 substantial bodily harm or was committed by strangulation;

40 (b) Five thousand dollars, if the person has:

41 (1) No previous convictions of battery that constitute domestic violence  
42 pursuant to NRS 33.018, but there is reason to believe that the battery for which the  
43 person has been arrested resulted in substantial bodily harm or was committed by  
44 strangulation; or

45 (2) One previous conviction of battery that constitutes domestic violence  
46 pursuant to NRS 33.018, but there is no reason to believe that the battery for which  
47 the person has been arrested resulted in substantial bodily harm or was committed  
48 by strangulation; or

49 (c) Fifteen thousand dollars, if the person has:

50 (1) One previous conviction of battery that constitutes domestic violence  
51 pursuant to NRS 33.018 and there is reason to believe that the battery for which the

1 person has been arrested resulted in substantial bodily harm or was committed by  
2 strangulation; or

3 (2) Two or more previous convictions of battery that constitute domestic  
4 violence pursuant to NRS 33.018.

5 ➤ The provisions of this subsection do not affect the authority of a magistrate or a  
6 court to set the amount of bail when the person personally appears before the  
7 magistrate or the court, or when a magistrate or a court has otherwise been  
8 contacted to set the amount of bail. For the purposes of this subsection, a person  
9 shall be deemed to have a previous conviction of battery that constitutes domestic  
10 violence pursuant to NRS 33.018 if the person has been convicted of such an  
11 offense in this State or has been convicted of violating a law of any other  
12 jurisdiction that prohibits the same or similar conduct.

13 8. A person arrested for violating a temporary or extended order for  
14 protection against domestic violence issued pursuant to NRS 33.017 to 33.100,  
15 inclusive, or for violating a restraining order or injunction that is in the nature of a  
16 temporary or extended order for protection against domestic violence issued in an  
17 action or proceeding brought pursuant to title 11 of NRS, or for violating a  
18 temporary or extended order for protection against stalking, aggravated stalking or  
19 harassment issued pursuant to NRS 200.591, or for violating a temporary or  
20 extended order for protection against sexual assault pursuant to NRS 200.378 must  
21 not be admitted to bail sooner than 12 hours after arrest if:

22 (a) The arresting officer determines that such a violation is accompanied by a  
23 direct or indirect threat of harm;

24 (b) The person has previously violated a temporary or extended order for  
25 protection of the type for which the person has been arrested; or

26 (c) At the time of the violation or within 2 hours after the violation, the person  
27 has:

28 (1) A concentration of alcohol of 0.08 or more in the person's blood or  
29 breath; or

30 (2) An amount of a prohibited substance in the person's blood or urine, as  
31 applicable, that is equal to or greater than the amount set forth in subsection 3 or 4  
32 of NRS 484C.110.

33 9. If a person is admitted to bail more than 12 hours after arrest, pursuant to  
34 subsection 8, without appearing personally before a magistrate or without the  
35 amount of bail having been otherwise set by a magistrate or a court, the amount of  
36 bail must be:

37 (a) Three thousand dollars, if the person has no previous convictions of  
38 violating a temporary or extended order for protection against domestic violence  
39 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining  
40 order or injunction that is in the nature of a temporary or extended order for  
41 protection against domestic violence issued in an action or proceeding brought  
42 pursuant to title 11 of NRS, or of violating a temporary or extended order for  
43 protection against stalking, aggravated stalking or harassment issued pursuant to  
44 NRS 200.591, or of violating a temporary or extended order for protection against  
45 sexual assault pursuant to NRS 200.378;

46 (b) Five thousand dollars, if the person has one previous conviction of  
47 violating a temporary or extended order for protection against domestic violence  
48 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining  
49 order or injunction that is in the nature of a temporary or extended order for  
50 protection against domestic violence issued in an action or proceeding brought  
51 pursuant to title 11 of NRS, or of violating a temporary or extended order for  
52 protection against stalking, aggravated stalking or harassment issued pursuant to

1 NRS 200.591, or of violating a temporary or extended order for protection against  
2 sexual assault pursuant to NRS 200.378; or

3 (c) Fifteen thousand dollars, if the person has two or more previous convictions  
4 of violating a temporary or extended order for protection against domestic violence  
5 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining  
6 order or injunction that is in the nature of a temporary or extended order for  
7 protection against domestic violence issued in an action or proceeding brought  
8 pursuant to title 11 of NRS, or of violating a temporary or extended order for  
9 protection against stalking, aggravated stalking or harassment issued pursuant to  
10 NRS 200.591, or of violating a temporary or extended order for protection against  
11 sexual assault pursuant to NRS 200.378.

12 ➤ The provisions of this subsection do not affect the authority of a magistrate or a  
13 court to set the amount of bail when the person personally appears before the  
14 magistrate or the court or when a magistrate or a court has otherwise been contacted  
15 to set the amount of bail. For the purposes of this subsection, a person shall be  
16 deemed to have a previous conviction of violating a temporary or extended order  
17 for protection against domestic violence issued pursuant to NRS 33.017 to 33.100,  
18 inclusive, or of violating a restraining order or injunction that is in the nature of a  
19 temporary or extended order for protection against domestic violence issued in an  
20 action or proceeding brought pursuant to title 11 of NRS, or of violating a  
21 temporary or extended order for protection against stalking, aggravated stalking or  
22 harassment issued pursuant to NRS 200.591, or of violating a temporary or  
23 extended order for protection against sexual assault pursuant to NRS 200.378, if the  
24 person has been convicted of such an offense in this State or has been convicted of  
25 violating a law of any other jurisdiction that prohibits the same or similar conduct.

26 10. ~~10. [The court may, before releasing a person arrested for an offense~~  
27 ~~punishable as a felony, require the surrender to the court of any passport the person~~  
28 ~~possesses;~~

29 ~~— 11. Before releasing a person arrested for any crime, the court may impose~~  
30 ~~such reasonable conditions on the person as it deems necessary to protect the~~  
31 ~~health, safety and welfare of the community and to ensure that the person will~~  
32 ~~appear at all times and places ordered by the court, including, without limitation:~~

33 ~~— (a) Requiring the person to remain in this State or a certain county within this~~  
34 ~~State;~~

35 ~~— (b) Prohibiting the person from contacting or attempting to contact a specific~~  
36 ~~person or from causing or attempting to cause another person to contact that person~~  
37 ~~on the person's behalf;~~

38 ~~— (c) Prohibiting the person from entering a certain geographic area; or~~

39 ~~— (d) Prohibiting the person from engaging in specific conduct that may be~~  
40 ~~harmful to the person's own health, safety or welfare, or the health, safety or~~  
41 ~~welfare of another person;~~

42 ~~➤ In determining whether a condition is reasonable, the court shall consider the~~  
43 ~~factors listed in NRS 178.4853.~~

44 ~~— 12. If a person fails to comply with a condition imposed pursuant to~~  
45 ~~subsection 11, the court may, after providing the person with reasonable notice and~~  
46 ~~an opportunity for a hearing:~~

47 ~~— (a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

48 ~~— (b) Increase the amount of bail pursuant to NRS 178.499.~~

49 ~~— 13. An order issued pursuant to this section that imposes a condition on a~~  
50 ~~person admitted to bail must include a provision ordering any law enforcement~~  
51 ~~officer to arrest the person if the officer has probable cause to believe that the~~  
52 ~~person has violated a condition of bail.~~

1 — 14. Before a person may be admitted to bail, the person must sign a document  
2 stating that:

3 — (a) The person will appear at all times and places as ordered by the court  
4 releasing the person and as ordered by any court before which the charge is  
5 subsequently heard;

6 — (b) The person will comply with the other conditions which have been imposed  
7 by the court and are stated in the document; and

8 — (c) If the person fails to appear when so ordered and is taken into custody  
9 outside of this State, the person waives all rights relating to extradition proceedings.

10 — The signed document must be filed with the clerk of the court of competent  
11 jurisdiction as soon as practicable, but in no event later than the next business day.

12 — 15. If a person admitted to bail fails to appear as ordered by a court and the  
13 jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial,  
14 the person who failed to appear is responsible for paying those costs as restitution.

15 — 16.] For the purposes of subsections 8 and 9, an order or injunction is in the  
16 nature of a temporary or extended order for protection against domestic violence if  
17 it grants relief that might be given in a temporary or extended order issued pursuant  
18 to NRS 33.017 to 33.100, inclusive.

19 ~~[17.]~~ 11. As used in this section, “strangulation” has the meaning ascribed to  
20 it in NRS 200.481.

21 **Sec. 3.** NRS 178.4851 is hereby amended to read as follows:

22 178.4851 1. ~~[Upon a showing of good cause, a court may release without~~  
23 ~~bail any person entitled to bail if it appears to the court that it can impose conditions~~  
24 ~~on the person that will adequately protect the health, safety and welfare of the~~  
25 ~~community and ensure that the person will appear at all times and places ordered by~~  
26 ~~the court.~~

27 — 2. ~~In releasing a person without bail, the court may impose such conditions]~~  
28 ~~Except as otherwise provided in subsection 4, the court shall only impose bail or~~  
29 ~~a condition of release, or both, on a person as it deems to be the least restrictive~~  
30 ~~means necessary to protect the [health,] safety [and welfare] of the community~~  
31 ~~[and] or to ensure that the person will appear at all times and places ordered by the~~  
32 ~~court, [including, without limitation, any condition set forth in subsection 11 of~~  
33 ~~NRS 178.484.~~

34 — 3. ~~Upon a showing of good cause, a sheriff or chief of police may release~~  
35 ~~without bail any person charged with a misdemeanor pursuant to standards~~  
36 ~~established by a court of competent jurisdiction.~~

37 — 4. ~~Before a person may be released without bail, the]~~ *with regard to the*  
38 *factors set forth in NRS 178.4853 and 178.498. Such conditions of release may*  
39 *include, without limitation:*

40 *(a) Requiring the person to remain in this State or a certain county within*  
41 *this State;*

42 *(b) Prohibiting the person from contacting or attempting to contact a specific*  
43 *person or from causing or attempting to cause another person to contact that*  
44 *person on the person’s behalf;*

45 *(c) Prohibiting the person from entering a certain geographic area;*

46 *(d) Prohibiting the person from possessing a firearm during the pendency of*  
47 *the case; or*

48 ~~[(d)]~~ *(e) Prohibiting the person from engaging in specific conduct that may*  
49 *be harmful to the person’s own health, safety or welfare, or the health, safety or*  
50 *welfare of another person.*

51 2. *A prosecuting attorney may request that a court impose bail or a*  
52 *condition of release, or both, on a person. If the request includes the imposition*



1 *of bail, the prosecuting attorney must prove by clear and convincing evidence*  
2 *that the imposition of bail is necessary to protect the safety of the community or*  
3 *to ensure that the person will appear at all times and places ordered by the court,*  
4 *with regard to the factors set forth in NRS 178.4853 and 178.498.*

5 *3. If a court imposes bail or any condition of release, or both, other than*  
6 *release on recognizance with no other conditions of release, the court shall make*  
7 *findings of fact for such a determination and state its reasoning on the record,*  
8 *and, if the determination includes the imposition of a condition of release, the*  
9 *findings of fact must include why the condition of release constitutes the least*  
10 *restrictive means necessary to protect the safety of the community or to ensure*  
11 *the person will appear at the times and places ordered by the court.*

12 *4. A person arrested for murder of the first degree may be admitted to bail*  
13 *unless the proof is evident or the presumption great by any competent court or*  
14 *magistrate authorized by law to do so in the exercise of discretion, giving due*  
15 *weight to the evidence and to the nature and circumstances of the offense.*

16 *5. The person must ~~file with the clerk of the court of competent jurisdiction a~~*  
17 *signed document before the person's release stating that:*

18 (a) The person will appear at all times and places as ordered by the court  
19 releasing the person and as ordered by any court before which the charge is  
20 subsequently heard;

21 (b) The person will comply with the other conditions which have been imposed  
22 by the court and are stated in the document;

23 (c) If the person fails to appear when so ordered and is taken into custody  
24 outside of this State, the person waives all rights relating to extradition proceedings;  
25 and

26 (d) The person understands that any court of competent jurisdiction may  
27 revoke the order of release without bail and may order the person into custody or  
28 require the person to furnish bail or otherwise ensure the protection of the ~~health,~~  
29 safety ~~and welfare~~ of the community or the person's appearance ~~f-~~  
30 ~~—5-~~, if applicable.

31 *6. The document signed pursuant to subsection 5 must be filed with the*  
32 *clerk of the court of competent jurisdiction and becomes effective upon the*  
33 *signature of the person to be released.*

34 *7. If a person fails to comply with a condition of release imposed pursuant*  
35 *to this section, the court may, after providing the person with reasonable notice*  
36 *and an opportunity for a hearing:*

37 (a) *Deem such conduct a contempt pursuant to NRS 22.010;*

38 (b) *Increase the amount of bail pursuant to NRS 178.499, if applicable; or*

39 (c) *Revoke bail and remand the person into custody.*

40 *8. If a person fails to appear as ordered by the court and a jurisdiction incurs*  
41 *any costs in returning a person to the jurisdiction to stand trial, the person failing to*  
42 *appear is responsible for paying those costs as restitution.*

43 ~~{6}~~ *9. An order issued pursuant to this section that imposes a condition on a*  
44 *person ~~who is released without bail~~ must include a provision ordering a law*  
45 *enforcement officer to arrest the person if the law enforcement officer has probable*  
46 *cause to believe that the person has violated a condition of release.*

47 *10. Nothing in this section shall be construed to require a court to receive*  
48 *the request of a prosecuting attorney before imposing a condition of release.*

49 **Sec. 4.** NRS 178.4853 is hereby amended to read as follows:

50 178.4853 In ~~{deciding whether there is good cause to release}~~ *reviewing the*  
51 *custody status of a person, ~~{without bail,}~~ the court at a minimum shall consider*  
52 *the following factors concerning the person:*

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;
5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;
6. The identity of responsible members of the community who would vouch for the reliability of the person;
7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;
8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after release; and
10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

**Sec. 5.** NRS 178.498 is hereby amended to read as follows:

178.498 ~~If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:~~ *In deciding the amount of bail to impose on a person, the court shall consider:*

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;
3. The character of the defendant; and
4. The factors listed in NRS 178.4853.

**Sec. 6.** NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS ~~178.498.~~ *178.4851*, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

(a) Extends to any action or proceeding in a justice court, municipal court or district court arising from the charge on which bail was first given in any of these courts; and

(b) Remains in effect until exonerated by the court.

➤ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:

(a) The action or proceeding against a defendant who has been admitted to bail is dismissed; or

(b) No formal action or proceeding is instituted against a defendant who has been admitted to bail.

1           5. The court may delay exoneration of the bond or undertaking for bail for a  
2 period not to exceed 30 days if, at the time the action or proceeding against a  
3 defendant who has been admitted to bail is dismissed, the defendant:

4           (a) Has been indicted or is charged with a public offense which is the same or  
5 substantially similar to the charge upon which bail was first given and which arises  
6 out of the same act or omission supporting the charge upon which bail was first  
7 given; or

8           (b) Requests to remain admitted to bail in anticipation of being later indicted or  
9 charged with a public offense which is the same or substantially similar to the  
10 charge upon which bail was first given and which arises out of the same act or  
11 omission supporting the charge upon which bail was first given.

12           ➤ If the defendant has already been indicted or charged, or is later indicted or  
13 charged, with a public offense arising out of the same act or omission supporting  
14 the charge upon which bail was first given, the bail must be applied to the public  
15 offense for which the defendant has been indicted or charged or is later indicted or  
16 charged, and the bond or undertaking must be transferred to the clerk of the  
17 appropriate court. Within 10 days after its receipt, the clerk of the court to whom  
18 the bail is transferred shall mail or electronically transmit notice of the transfer to  
19 the surety on the bond and the bail agent who executed the bond.

20           6. Bail given originally on appeal must be deposited with the magistrate or the  
21 clerk of the court from which the appeal is taken.