

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:**

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

4 Recently, the Nevada Supreme Court held that a provision of law requiring an  
5 arrested person to show good cause before being released without bail violated his or  
6 her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court  
7 held that the provision of law was unconstitutional because it: (1) did not require the  
8 court to consider less restrictive conditions of release before determining that the  
9 imposition of bail was necessary; and (2) effectively relieved the State from its



10 burden of proving that the imposition of bail on the person was necessary to protect  
11 the safety of the community or to ensure the appearance of the person in court.  
12 (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art.  
13 1, §§ 6, 7; NRS 178.4851) **Section 3** of this bill removes the provision of law that  
14 was found unconstitutional and **section 4** of this bill makes a conforming change.

15 Existing law sets forth separate procedures for releasing persons with bail and  
16 releasing persons without bail. (NRS 178.484, 178.4851) Specifically, existing law:  
17 (1) restricts persons from being released on bail under certain circumstances; and (2)  
18 mandates specific amounts of bail for offenses involving domestic violence and  
19 violations of certain orders for protections. (NRS 178.484) **Section 2** of this bill  
20 retains the existing restrictions and specific amounts of bail while **section 3**  
21 consolidates the existing procedures for releasing persons with bail and releasing  
22 persons without bail into a standard procedure for courts to follow in making pretrial  
23 custody determinations. **Sections 1, 5 and 6** of this bill make conforming changes to  
24 reflect the consolidation of the procedures.

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

30 **Section 3** also requires a prosecuting attorney, if he or she requests the imposition  
31 of bail or a condition of release on a person, to prove by clear and convincing  
32 evidence that the imposition of bail is necessary to protect the safety of the  
33 community or to ensure the 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  
3 the provisions of NRS 171.178 or 171.184, and it is discovered that  
4 there is a warrant for the person's arrest outstanding in another county  
5 of this State, the magistrate may release the person in accordance with  
6 the provisions of NRS ~~178.484 or~~ 178.4851 if:

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

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

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

19 3. Any bail set under the provisions of this section must be in  
20 addition to and apart from any bail set for any public offense with  
21 which a person is charged in the county in which a magistrate is



1 setting bail. In setting bail under the provisions of this section, a  
2 magistrate shall set the bail in an amount which is sufficient to induce  
3 a reasonable person to travel to the county in which the warrant for  
4 the arrest is outstanding.

5 4. A person who fails to appear in the other county as ordered is  
6 guilty of failing to appear and shall be punished as provided in NRS  
7 199.335. A sentence of imprisonment imposed for failing to appear  
8 in violation of this section must be imposed consecutively to a  
9 sentence of imprisonment for the offense out of which the warrant  
10 arises.

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

12 178.484 1. Except as otherwise provided in this section, a  
13 person arrested for an offense other than murder of the first degree  
14 must be admitted to bail.

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

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

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

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

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

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

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

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

38 5. A person arrested for a violation of NRS 484C.110,  
39 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is  
40 under the influence of intoxicating liquor must not be admitted to bail  
41 or released on the person's own recognizance unless the person has a  
42 concentration of alcohol of less than 0.04 in his or her breath. A test  
43 of the person's breath pursuant to this subsection to determine the  
44 concentration of alcohol in his or her breath as a condition of



1 admission to bail or release is not admissible as evidence against the  
2 person.

3 6. A person arrested for a violation of NRS 484C.110,  
4 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is  
5 under the influence of a controlled substance, is under the combined  
6 influence of intoxicating liquor and a controlled substance, or inhales,  
7 ingests, applies or otherwise uses any chemical, poison or organic  
8 solvent, or any compound or combination of any of these, to a degree  
9 which renders the person incapable of safely driving or exercising  
10 actual physical control of a vehicle or vessel under power or sail must  
11 not be admitted to bail or released on the person's own recognizance  
12 sooner than 12 hours after arrest.

13 7. A person arrested for a battery that constitutes domestic  
14 violence pursuant to NRS 33.018 must not be admitted to bail sooner  
15 than 12 hours after arrest. If the person is admitted to bail more than  
16 12 hours after arrest, without appearing personally before a  
17 magistrate or without the amount of bail having been otherwise set by  
18 a magistrate or a court, the amount of bail must be:

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

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

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

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

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

34 (1) One previous conviction of battery that constitutes  
35 domestic violence pursuant to NRS 33.018 and there is reason to  
36 believe that the battery for which the person has been arrested resulted  
37 in substantial bodily harm or was committed by strangulation; or

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

40 ➤ The provisions of this subsection do not affect the authority of a  
41 magistrate or a court to set the amount of bail when the person  
42 personally appears before the magistrate or the court, or when a  
43 magistrate or a court has otherwise been contacted to set the amount  
44 of bail. For the purposes of this subsection, a person shall be deemed  
45 to have a previous conviction of battery that constitutes domestic



1 violence pursuant to NRS 33.018 if the person has been convicted of  
2 such an offense in this State or has been convicted of violating a law  
3 of any other jurisdiction that prohibits the same or similar conduct.

4 8. A person arrested for violating a temporary or extended order  
5 for protection against domestic violence issued pursuant to NRS  
6 33.017 to 33.100, inclusive, or for violating a restraining order or  
7 injunction that is in the nature of a temporary or extended order for  
8 protection against domestic violence issued in an action or proceeding  
9 brought pursuant to title 11 of NRS, or for violating a temporary or  
10 extended order for protection against stalking, aggravated stalking or  
11 harassment issued pursuant to NRS 200.591, or for violating a  
12 temporary or extended order for protection against sexual assault  
13 pursuant to NRS 200.378 must not be admitted to bail sooner than 12  
14 hours after arrest if:

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

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

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

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

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

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

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

41 (b) Five thousand dollars, if the person has one previous  
42 conviction of violating a temporary or extended order for protection  
43 against domestic violence issued pursuant to NRS 33.017 to 33.100,  
44 inclusive, or of violating a restraining order or injunction that is in the  
45 nature of a temporary or extended order for protection against



1 domestic violence issued in an action or proceeding brought pursuant  
2 to title 11 of NRS, or of violating a temporary or extended order for  
3 protection against stalking, aggravated stalking or harassment issued  
4 pursuant to NRS 200.591, or of violating a temporary or extended  
5 order for protection against sexual assault pursuant to NRS 200.378;  
6 or

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

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

35 10. ~~[The court may, before releasing a person arrested for an~~  
36 ~~offense punishable as a felony, require the surrender to the court of~~  
37 ~~any passport the person possesses.~~

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

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



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

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

6 ~~—(d) Prohibiting the person from engaging in specific conduct that~~  
7 ~~may be harmful to the person's own health, safety or welfare, or the~~  
8 ~~health, safety or welfare of another person.~~

9 ~~➔ In determining whether a condition is reasonable, the court shall~~  
10 ~~consider the factors listed in NRS 178.4853.~~

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

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

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

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

21 ~~—14. Before a person may be admitted to bail, the person must~~  
22 ~~sign a document stating that:~~

23 ~~—(a) The person will appear at all times and places as ordered by~~  
24 ~~the court releasing the person and as ordered by any court before~~  
25 ~~which the charge is subsequently heard;~~

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

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

31 ~~➔ The signed document must be filed with the clerk of the court of~~  
32 ~~competent jurisdiction as soon as practicable, but in no event later~~  
33 ~~than the next business day.~~

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

38 ~~—16.] For the purposes of subsections 8 and 9, an order or~~  
39 ~~injunction is in the nature of a temporary or extended order for~~  
40 ~~protection against domestic violence if it grants relief that might be~~  
41 ~~given in a temporary or extended order issued pursuant to NRS~~  
42 ~~33.017 to 33.100, inclusive.~~

43 ~~[17.] 11.~~ As used in this section, “strangulation” has the meaning  
44 ascribed to it in NRS 200.481.



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

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

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

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

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

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

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

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

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

(e) *Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.*

2. *A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.*

3. *If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release*





1 *constitutes the least restrictive means necessary to protect the safety*  
2 *of the community or to ensure the person will appear at the times*  
3 *and places ordered by the court.*

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

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

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

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

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

20 (d) The person understands that any court of competent  
21 jurisdiction may revoke the order of release without bail and may  
22 order the person into custody or require the person to furnish bail or  
23 otherwise ensure the protection of the ~~health,~~ safety ~~and welfare~~  
24 of the community or the person's appearance ~~;~~

25 ~~—5.], if applicable.~~

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

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

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

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

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

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

40 ~~[6.]~~ *9. An order issued pursuant to this section that imposes a*  
41 *condition on a person ~~who is released without bail~~ must include a*  
42 *provision ordering a law enforcement officer to arrest the person if*  
43 *the law enforcement officer has probable cause to believe that the*  
44 *person has violated a condition of release.*



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

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

5 178.4853 In ~~[deciding whether there is good cause to release]~~  
6 **reviewing the custody status of** a person, ~~[without bail,]~~ the court at  
7 a minimum shall consider the following factors concerning the  
8 person:

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

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

31 178.498 ~~[If the defendant is admitted to bail, the bail must be set~~  
32 ~~at an amount which in the judgment of the magistrate will reasonably~~  
33 ~~ensure the appearance of the defendant and the safety of other persons~~  
34 ~~and of the community, having regard to:]~~ **In deciding the amount of**  
35 **bail to impose on a person, the court shall consider:**

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

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

41 178.502 1. A person required or permitted to give bail shall  
42 execute a bond for the person's appearance. The magistrate or court  
43 or judge or justice, having regard to the considerations set forth in  
44 NRS ~~[178.498,]~~ **178.4851**, may require one or more sureties or may



1 authorize the acceptance of cash or bonds or notes of the United States  
2 in an amount equal to or less than the face amount of the bond.

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

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

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

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

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

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

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

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

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

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

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

34 ➔ If the defendant has already been indicted or charged, or is later  
35 indicted or charged, with a public offense arising out of the same act  
36 or omission supporting the charge upon which bail was first given,  
37 the bail must be applied to the public offense for which the defendant  
38 has been indicted or charged or is later indicted or charged, and the  
39 bond or undertaking must be transferred to the clerk of the appropriate  
40 court. Within 10 days after its receipt, the clerk of the court to whom  
41 the bail is transferred shall mail or electronically transmit notice  
42 of the transfer to the surety on the bond and the bail agent who  
43 executed the bond.



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

⑩

