

BAIL FORFEITURES – (1) JUDICIARY CORPORATE SURETY BAIL FORFEITURE AND JUDGMENT PROTOCOL; (2) JOINED WARRANT AND ORDER OF FORFEITURE; (3) CONSENT ORDER; (4) REMITTITUR GUIDELINES

Directive #13-03
Issued by:

December 17, 2003
Richard J. Williams
Administrative Director

This Directive promulgates the following items relating to bail forfeitures: (1) the Judiciary Corporate Surety Bail Forfeiture and Judgment Protocol, (2) a Joined Warrant and Order of Forfeiture, (3) a form of Consent Order, and (4) Remittitur Guidelines. Each of these items is described below.

(1) Judiciary Corporate Surety Bail Forfeiture and Judgment Protocol

The attached Judiciary Corporate Surety Bail Forfeiture and Judgment Protocol sets forth the procedures and responsibilities for financial and case processing of bail forfeitures and judgments in the Criminal and Finance Divisions of Superior Court. The protocol is being issued to implement amendments to Rules 3:26-6 and 1:13-3, Directive #3-02, and the Supreme Court's November 1, 2000 order and June 11, 2002 and May 20, 2003 supplemental orders. The Conferences of Criminal Division Managers and Finance Division Managers developed this protocol. The Bail Forfeiture Judges and the Conference of Criminal Presiding Judges recommended the protocol to the Judicial Council, which approved it at the Council's October 23, 2003 meeting. The protocol is effective immediately.

(2) Joined Warrant and Order of Forfeiture

The Ad Hoc Committee on Bail Forfeiture in its report issued several years ago made a series of recommendations for improvement to the bail forfeiture process. One such recommendation was that the bail forfeiture order be joined with the order for warrant to ensure that bail is ordered forfeited at the same time that a warrant is ordered. The Conference of Criminal Presiding Judges, on the recommendation of the Bail Forfeiture Judges, have submitted the attached form of joined order, which I approve for immediate use on a statewide basis.

(3) Consent Order

The development process for the Judiciary Corporate Surety Bail Forfeiture and Judgment Protocol included a review of each county's procedures and forms of order for the issuance of consent orders. That review indicated that there are significant county-to-county variations in the process, as well as in the information contained in the differing consent orders. Of particular concern in that regard were the variations in the process to be followed once a consent order has been violated. The Conference of

Criminal Presiding Judges, on the recommendation of the Bail Forfeiture Judges, have submitted the attached form of consent order to standardize the process and the items of information, which I approve for immediate use on a statewide basis.

(4) Remittitur Guidelines

The Report of the Ad Hoc Committee on Bail Forfeiture also recommended development of standardized procedures for the handling of applications to set aside or remit bail forfeitures. The Conference of Criminal Presiding Judges, on the recommendation of the Bail Forfeiture Judges, submitted the attached Remittitur Guidelines, which are based in significant part on a series of Appellate Division decisions issued this past summer. The Judicial Council at its December 11, 2003 meeting considered and approved the Remittitur Guidelines for immediate statewide use. They are intended to guide judges in the handling of these matters.

Attachment #1

**JUDICIARY CORPORATE SURETY BAIL
FORFEITURE AND JUDGMENT PROTOCOL**

JUDICIARY CORPORATE SURETY BAIL FORFEITURE AND JUDGMENT PROTOCOL

Criminal and Finance Divisions

This revised protocol is established to set forth the procedures and responsibilities for financial and case processing of bail forfeitures and judgments in the Criminal and Finance Divisions of Superior Court. The protocol is being revised to comply with amendments to R. 3:26-6, R. 1:13-3, Directive #3-02 and the Supreme Court's Order dated November 1, 2000, as amended by Orders of the Court dated June 11, 2002 and May 20, 2003.

I. Breach of Recognizance

When a defendant breaches a condition of a recognizance by failing to appear at a court event, the following steps shall take place.

- A. The court shall order a warrant for the defendant's arrest and forfeiture of the bail.
- B. The Criminal Division shall enter the forfeiture into PROMIS GAVEL and an electronic notice of the order of forfeiture will be sent to the Finance Division via the PROMIS GAVEL / CABS Interface.
- C. The Finance Division shall enter the forfeiture into CABS.
- D. The Finance Division shall mail a notice of forfeiture to the corporate surety company, the licensed insurance producer and the limited insurance representative or limited lines insurance producer named on the bail recognizance, at the address recorded in the Bail Registry.
- E. The Finance Division shall mail a notice of forfeiture to county counsel.

II. Procedure to be followed when a forfeited bail is reinstated.

- A. If the court orders reinstatement of a forfeited bail, the Criminal Division shall update Promis Gavel and provide notice of the reinstatement to the Finance Division.
- B. The Finance Division will update the bail status in CABS.

III. Procedure to be followed if a motion is filed to set aside the bail

forfeiture

- A. The surety files a motion with the Criminal Division seeking to set aside the bail forfeiture.
- B. The Criminal Division will schedule a hearing date and enter the motion and scheduled date into PROMIS/GAVEL
- C. The Criminal Division will notify county counsel and the party filing the motion of the scheduled motion date.
- D. Once the motion is heard the Criminal Division will record the judge's decision on the motion into PROMIS/GAVEL and send a copy of the judge's order to county counsel and the party that filed the motion.
- E. If the motion was granted, the Criminal Division will provide a copy of the judge's order to the Finance Division. The Finance Division will update the bail status in CABS in accordance with the judge's decision.

IV. Payment of Forfeiture Before Entry of Judgment

- A. All forfeiture payments are to be paid in the Finance Division with the check made payable to "State of N.J. Bail Account.
- B. The Finance Division shall enter the payment into CABS and deposit the funds.

V. Procedure to be followed, if a forfeiture is not set aside by the court or satisfied by the surety at the expiration of 75 days.

- A. The Finance Division will track all forfeitures and notify the Criminal Division when a forfeiture is 75 days old.
- B. Until CABS can be programmed to generate a judgment, the Criminal Division will generate an order for judgment. Once CABS has been programmed to generate judgments, the Finance Division will generate an order for judgment and send it to the Criminal Division.
- C. The Criminal Division will review the judgments to ensure that a motion has not been filed before submitting the judgment to the designated bail judge for signature.
- D. The Criminal Division will enter the date of the signed judgment order into Promis Gavel.
- E. The Criminal Division will provide the original signed judgment to the Finance Division.

- F. The Finance Division will update the bail status in CABS.
- G. The Finance Division will mail a copy of the judgment to the corporate surety company, the licensed insurance producer and the limited insurance representative or limited lines insurance producer named on the bail recognizance at the address recorded in the Bail Registry.
- H. The Finance Division will forward a copy of the judgment to county counsel for collection.
- I. The Finance Division will send one copy of the judgment to the Clerk of the Superior Court indicating that the surety has failed to pay or file an objection pursuant to the rule.
- J. The Clerk of Superior Court will notify the corporate surety company that failure to satisfy the judgment within 15 days of the date of the notice will result in the removal of the names of all of the corporate surety company's licensed insurance producers, limited insurance representatives and limited lines insurance producers from the Bail Registry until such time as the judgment has been satisfied. The Clerk of the Superior Court will provide a copy of the notice to the Criminal and Finance Divisions.
- K. The Clerk of the Superior Court shall forward a copy of the order of judgment to the Commissioner of the Department of Banking and Insurance with a cover letter requesting that the Department take steps to obtain payment on the judgment.
- L. Unless an appeal is filed and a supersedeas bond posted or the judgment is satisfied within 15 days, the Clerk of the Superior Court will remove the names of all of the corporate surety company's licensed insurance producers, limited insurance representatives and limited lines insurance producers from the Bail Registry until such time as the judgment has been satisfied.
- M. The Finance Division will immediately notify the Clerk of the Superior Court, via electronic transmission (e-mail or fax), when a judgment has been satisfied.
- N. Upon receipt of notice that all judgments contained in the preclusion notice issued to a corporate surety company have been satisfied, the Clerk of the Superior Court will reinstate the names of all of the corporate surety company's licensed insurance producers, limited insurance representatives and limited lines insurance producers to the Bail Registry.

VI. Motions to vacate judgments

- A. The surety files a motion to vacate the judgment with the Criminal Division.
- B. The Criminal Division will schedule a hearing date for the motion and enter the date and schedule into PROMIS/GAVEL.
- C. The Criminal Division will notify the party filing the motion and county counsel of the court date.
- D. The Criminal Division will notify the Clerk of the Superior Court if an order is entered to stay removal of the surety company from the Bail Registry prior to the motion to vacate being heard.
- E. The Criminal Division will record the judge's decision on the motion into PROMIS/GAVEL and notify the Finance Division if the motion is granted.
- F. The Finance Division will update the bail status in CABS in accordance with the judge's decision.
- G. The Criminal Division will notify the Clerk of the Superior Court of the decision on the motion only if the outcome on the motion vacates the judgment.

VII. Procedure to follow if an appeal is filed and a supersedeas bond is requested

- A. The surety files a motion with the Criminal Division seeking to file a supersedeas bond.
- B. The Criminal Division will schedule a date for hearing the motion and enter the motion and schedule into PROMIS/GAVEL.
- C. The Criminal Division will notify the party filing the motion and the county counsel of the court date.
- D. If the judge grants the motion to post a supersedeas bond, the Criminal Division will send a copy of the judge's order to the Finance Division.
- E. The Finance Division will immediately notify the Clerk of the Superior Court, via electronic transmission (e-mail or fax), once a supersedeas bond has been posted to assure that the Clerk of the Superior Court does not remove the names of all of the corporate surety company's licensed insurance producers and limited insurance representatives from the Bail Registry.
- F. The Finance Division will attach the supersedeas bond to the original bond.
- G. The Criminal Division will notify the Finance Division and the Clerk of the Superior Court when an appeal has been concluded.

VIII. Procedures for consent orders

- A. Whenever county counsel and a surety reach an agreement to satisfy a judgment, county counsel shall provide the Criminal Division with a copy of the proposed settlement and uniform consent order form for submission to the designated bail judge.
- B. The Criminal Division will provide the original signed consent order to the Finance Division and send a copy to the county counsel. A copy of the consent order will also be sent to the Clerk of the Superior Court if the consent order is entered after the judgment has been sent to the Clerk of the Superior Court.
- C. The Criminal Division will record the judge's decision on the consent order into PROMIS/GAVEL.
- D. The Finance Division shall monitor the compliance of the terms of the uniform consent order.

IX. Procedures to be followed when a surety fails to abide by the consent order where a judgment was previously entered.

- A. The Finance Division will track consent orders, payment schedules and payments and upon failure to pay according to the consent order, the Finance Division shall notify county counsel and the Clerk of the Superior Court that the surety has failed to pay pursuant to the consent order and that, pursuant to the consent order, the judgment is reinstated.
- B. The Finance Division will mail a copy of the notice to the corporate surety company, the licensed insurance producer and the limited insurance representative or limited lines insurance producer named on the bail recognizance at the address recorded in the bail registry advising them that the judgment is being reinstated due to the failure to abide by the consent order previously entered.
- C. The Clerk of Superior Court will notify the corporate surety company that failure to satisfy the original judgment within 48 hours will result in the removal of the names of all of the corporate surety company's licensed insurance producers, limited insurance representatives and limited lines insurance producers from the Bail Registry until such time as the judgment has been satisfied.
- D. The Clerk of the Superior Court will forward a copy of the preclusion notice to the Commissioner of the Department of Banking and Insurance.

X. Procedure to be followed when a surety fails to abide by the consent order and a judgment was not previously entered.

- A. The Finance Division will track consent orders, payment schedules and payments and upon failure to pay according to the consent order, the Finance Division shall notify the Criminal Division that the surety has failed to abide by the consent order.
- B. Pursuant to the consent order, a judgment can be entered without further notice for the original amount of the bond. Until CABS can be programmed to generate a judgment, the Criminal Division will generate the order for judgment for signature by the judge.
- C. The Criminal Division will enter the date of the signed judgment into Promis Gavel.
- D. The Criminal Division will provide the original signed judgment to the Finance Division.
- E. The Finance Division will update the bail status in CABS.
- F. The Finance Division will mail a copy of the judgment to the corporate surety company, the licensed insurance producer and the limited insurance representative or limited lines insurance producer named on the bail recognizance at the address recorded in the bail registry.
- G. The Finance Division will forward a copy of the judgment to county counsel for collection.
- H. The Finance Division will send one copy of the judgment to the Clerk of the Superior Court.
- I. The Clerk of the Superior Court will notify the corporate surety that failure to satisfy the judgment within 15 days will result in the removal of the names of all of the corporate surety company's licensed insurance producers, limited insurance representatives and limited lines insurance producers from the Bail Registry until such time as the judgment has been satisfied. The Clerk of the Superior Court will provide a copy of the notice to the Criminal and Finance Divisions.
- J. Unless an appeal is filed and a supersedeas bond is posted or the judgment is satisfied within 15 days, the Clerk of the Superior Court will remove the names of all of the corporate surety company's licensed insurance producers, limited insurance representatives and limited lines insurance producers from the Bail Registry until such time as the judgment has been satisfied.
- K. The Finance Division will immediately notify the Clerk of the

Superior Court, via electronic transmission (e-mail or fax), when a judgment has been satisfied.

- L. Upon receipt of notice that all judgments contained in the preclusion notice issued to a corporate surety company have been satisfied, the Clerk of the Superior Court will reinstate the names of all of the corporate surety company's licensed insurance producers, limited insurance representatives and limited lines insurance producers to the Bail Registry.

XI. Payment of Judgment

- A. All judgment payments are to be paid in the Finance Division with the check made payable to "State of N.J. Bail Account".
- B. The Finance Division shall enter the payment into CABS and deposit the funds.
- C. The Finance Division will notify the Clerk of the Superior Court when a judgment that has been forwarded to the Clerk of the Superior Court under this protocol has been paid.

Issued via Directive # 13-03
December 17,2003

Attachment #2

**JOINED WARRANT AND
ORDER OF FORFEITURE**

SUPERIOR COURT OF NEW JERSEY
VICINAGE
LAW DIVISION - CRIMINAL

State of New Jersey

v.

Defendant

ORDER FOR
BENCH WARRANT
AND
BAIL FORFEITURE

Address _____ INDICT/ACC/CO _____

CASE/Def No _____

AKA _____

AKA _____

<table style="width: 100%;"><tr><td style="width: 50%;">SBI: _____</td><td style="width: 50%;">FBI: _____</td></tr><tr><td>BCI: _____</td><td>Sex: _____</td></tr><tr><td>DOB: _____</td><td>SSN: _____</td></tr><tr><td>Eye Color: _____</td><td>Hair Color: _____</td></tr><tr><td>Height: _____</td><td>Weight: _____</td></tr></table>	SBI: _____	FBI: _____	BCI: _____	Sex: _____	DOB: _____	SSN: _____	Eye Color: _____	Hair Color: _____	Height: _____	Weight: _____	<table style="width: 100%;"><tr><th colspan="2" style="text-align: center;"><u>MOST SERIOUS CHARGE</u></th></tr><tr><th style="width: 30%;">Degree</th><th>Charge/Statute</th></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr></table>	<u>MOST SERIOUS CHARGE</u>		Degree	Charge/Statute	_____	_____	_____	_____	_____	_____
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To the Sheriff of the County of _____, or Other Person Authorized by Law:

You are hereby commanded to arrest _____ and bring him/her before the Superior Court of New Jersey, _____ County, Law Division (Criminal Part).

It is on this _____ day of _____ ORDERED that this warrant be issued for the Defendant=s failure to appear before the Honorable _____ for:

_____ Pre Arraignment Interview _____ Trial _____ Status Conf _____ Other
_____ Arraignment/Status Conf _____ Sentence _____ VOP

It is further ORDERED that the Court is satisfied that a condition of the recognizance in this case has been breached by the defendant's failure to appear at the above court event and the recognizance is hereby forfeited.

J.S.C.

Court Clerk

Recognizance No. _____

Surety _____

Power No. _____

Company _____

Type: _____

Address _____

For Arresting Authority Use Only

Execution Date _____

Arresting Agency _____

Executed By _____

Defendant Detained At _____

Attachment #3

CONSENT ORDER

STATE OF NEW JERSEY

v.

Defendant

SUPERIOR COURT OF NEW JERSEY

J. LAW DIVISION -

CRIMINAL

COUNTY

Corporate Surety Company (Insurer)

CABS # _____

RECOGNIZANCE# _____

Bail Bond Agency (Insurance Producer or
Limited Lines Insurance Producer)

INDICTMENT OR CDR # _____

POWER OF ATTORNEY # _____

Bail Bondsman (Limited Lines Insurance
Producer)

Total of Bond _____ Posted _____

**CONSENT ORDER TO VACATE BAIL FORFEITURE AND/OR JUDGMENT
AND DISCHARGE THE BOND UPON PAYMENT**

THIS MATTER having been opened to the court on _____
by _____ attorney for _____, and the
Court having considered the papers submitted, and _____, Assistant
County Counsel having consented hereto, and for good cause shown,

IT IS THEREFORE ORDERED ON THIS _____ day of _____, 20____, that
_____ shall pay the sum of \$_____, on or before
_____, which sum shall be distributed proportionally between the State of
New Jersey and the County of _____; and

IT IS FURTHER ORDERED that the bail forfeiture and/or judgment entered shall be
vacated and the bond discharged upon the State's receipt of the aforesaid payment; and

IT IS FURTHER ORDERED that if the aforesaid amount is not paid to the State of
New Jersey within the time set forth herein, this consent order will become null and void,
the original amount of the bail bond will be immediately due and owing to the State of New
Jersey, and a default judgment previously entered will remain in full force and effect; and

IT IS FURTHER ORDERED that if a forfeiture was ordered but a judgment has not
been entered, then the parties agree to waive the requirement contained in R. 3:26-6(a)
that a judgment not be entered until 75 days after the forfeiture was ordered, and a default
judgment shall be entered immediately for the original amount of the bail bond; and

IT IS FURTHER ORDERED that a copy of this order be served upon all parties
within ____ days of the date hereof.

This is to notify you that failure to satisfy this judgment will result in removal of the names of all of the insurer's insurance producers and limited lines insurance producers from the Bail Registry maintained by the Clerk of the Superior Court pursuant to Rule 1:13-3, until such time as this judgment has been satisfied. In addition, the above-named limited lines insurance producer who is named in this judgment shall have his or her name removed from all listings in the Bail Registry until such time as this judgment is satisfied.

Judge

We hereby consent to the form
and entry of this order

Assistant County Counsel

Attorney for Surety

Distribution:

Clerk of Superior Court
County Counsel
Criminal Division Manager
Finance Division Manager
10/29/2003

Defendant
Corporate Surety Company
Limited Insurance Producer
Limited Insurance Representative or Limited Lines Insurance Producer

Attachment #4

REMITTITUR GUIDELINES

REMISSION OF A FORFEITURE

A party seeking to set aside or remit a forfeiture bears the burden of proving that “it would be inequitable to insist upon forfeiture and that forfeiture is not required in the public interest.” State v. Childs, 208 N.J. Super 61, 64 (App. Div.), *certif. Denied* 104 N.J. 430 (1986); State v. Mercado, 329 N.J. Super 265, 269-270 (App. Div. 2000).

The court may direct that a forfeiture be set aside if its enforcement is not required in the interests of justice. R. 3:26-6(b). Remission, in whole or in part, may be ordered even after the entry of a judgment of default in the interest of justice. R. 3:26-6(c). The decision to remit bail, as well as the amount of bail to remit, are matters within the sound discretion of the trial judge to be exercised in the public interest. State v. Peace, 63 N.J. 127, 129 (1973); State v. Mercado, 329 N.J. Super. at 270; State v. de la Hoya, 359 N.J. Super. 194, 198 (App. Div. 2003); State v. Harmon, 361 N.J. Super 250, 254 (App. Div. 2003). The exercise of that discretion must be consistent with the policy concerns expressed in State v. de la Hoya, 359 N.J. Super. at 198 and informed by the standards articulated in State v. Hyers, 122 N.J. Super. 177, 180 (App. Div. 1973).

POLICY CONCERNS TO CONSIDER IN DETERMINING REMISSION

The following are “overarching” policy concerns that the Appellate Division has said should be considered in informing the exercise of discretion as to whether to remit and the amount to be remitted. State v. Mercado, 329 N.J. Super. at 199.

1. The necessity of providing an incentive to the surety to take active and reasonable steps to recapture a fugitive defendant. State v. de la Hoya, 359 N.J. Super. at 199.
2. The fact that if remission were unreasonably withheld, corporate sureties might be overcautious in their willingness to post bail, resulting in an impairment of an accused's constitutional right to pretrial bail. State v. de la Hoya, 359 N.J. Super. at 199.

FACTORS TO WEIGH IN DETERMINING REMISSION

The following factors need to be weighed, within the framework of the policy concerns, in determining whether to remit bail and the amount to be remitted:

1. Whether the surety has made a reasonable effort under the circumstances to effect the recapture of the fugitive defendant. State v. Mercado, 329 N.J. Super. at 271; State v. Harmon, 361 N.J. Super at 255.
2. Whether the applicant is a commercial bondsman. State v. Hyers, 122 N.J. Super. at 180; State v. Harmon, 361 N.J. Super at 255.
3. The surety's supervision of the defendant while he or she was released on bail. State v. Hyers, 122 N.J. Super. at 180; State v. Harmon, 361 N.J. Super at 255.
4. The length of time the defendant is a fugitive. State v. Hyers, 122 N.J. Super at 180; State v. Harmon, 361 N.J. Super at 255.
5. The prejudice to the State, and the expense incurred by the State, as a result of the fugitive's non-appearance, recapture and enforcement of the forfeiture. State v. Hyers, 122 N.J. Super at 180; State v. Harmon, 361 N.J. Super at 255.
6. Whether the reimbursement of the State's expense will adequately satisfy the interests of justice. State v. Harmon, 361 N.J. Super at 255. The detriment to the State also includes the intangible element of injury to the public interest where a defendant deliberately fails to make an appearance in a criminal case. State v. Peace, 63 N.J. 127, 129 (1973).

7. The defendant's commission of another crime while a fugitive. State v. de la Hoya, 359 N.J. Super. at 200; State v. Harmon, 361 N.J. Super at 255.
8. The amount of the posted bail. In determining the amount of a partial remission, the court should take into account not only an appropriate percentage of the bail but also it's amount. State v. de la Hoya, 359 N.J. Super. at 199.

BALANCING OF FACTORS

The court's primary focus, especially when the defendant has remained a fugitive for a significant period of time, should be upon the surety's efforts to secure the defendant's return, rather than upon the expenses incurred by the State as a result of the defendant's failure to appear or prejudice to the State's case caused by the defendant's absence. State v. Mercado, 359 N.J. Super. at 271; State v. de la Hoya, 359 N.J. Super. at 199; State v. Harmon, 361 N.J. Super at 255.

GUIDELINES

The following are a broad set of guidelines that have been developed to provide judges with a **starting point** when determining whether to grant a remission, and if so, the amount to remit. Obviously, the particular facts in an individual case will determine whether the amount to remit is increased or decreased. The genesis for developing some of the guidelines was derived from recent Appellate Division decisions.

WHERE DEFENDANT IS A FUGITIVE WHEN REMISSION MOTION IS MADE

No Remission

Where the defendant remains a fugitive when the remission motion is made, the essential undertaking of the surety remains unsatisfied, and the denial of any remission is entirely appropriate. State v. Harmon, 361 N.J. Super at 255.

WHERE DEFENDANT IS NOT A FUGITIVE WHEN REMISSION MOTION MADE

AND

DEFENDANT DID NOT COMMIT A NEW CRIME WHILE A FUGITIVE

Minimal Remission

Where the surety provided minimal or no supervision while the defendant was out on bail and failed to engage in immediate substantial efforts to recapture the defendant, minimal remission is warranted subject to the weighing the factors previously identified.

REMISSION GUIDELINE:

State is reimbursed its cost.

If time at large 6 months or less
If time at large between 6-48 months

20% of the balance remitted
5% to 20% of the balance remitted

If time at large over 48 months

0% to 5% of the balance remitted

Partial Remission

Where the surety provided minimal or no supervision while the defendant was out on bail but did engage in immediate substantial efforts to recapture the defendant;

or

Where the surety provided close supervision while the defendant was out on bail but did not engage in immediate substantial efforts to recapture the defendant;

Partial remission is warranted subject to the weighing of factors previously identified.

REMISSION GUIDELINE

State is reimbursed for its costs.

If time at large 6 months or less

75% of the balance remitted

If time at large between 6-48 months

20% to 75% of the balance remitted

If time at large over 48 months

0% to 20% of the balance remitted

Substantial Remission

Where the surety provided close ongoing supervision while the defendant was out on bail and made immediate substantial efforts to recapture the defendant, substantial remission is warranted subject to the weighing of factors previously identified.

REMISSION GUIDELINE

Surety is reimbursed for its costs.

State is reimbursed for its costs.

If time at large 6 months or less

95% of the balance remitted

If time at large between 6-48 months

75% to 95% of the balance remitted

If time at large is over 48 months

0% to 75% of the balance remitted

WHERE DEFENDANT NOT A FUGITIVE WHEN REMISSION MOTION MADE

AND

DEFENDANT DID COMMIT A NEW CRIME WHILE A FUGITIVE

Minimal Remission

Where the surety provided minimal or no supervision while the defendant was out on bail and failed to engage in immediate substantial efforts to recapture the defendant, minimal remission is warranted subject to the weighing the factors previously identified.

REMISSION GUIDELINE:

State is reimbursed its cost.

If time at large 12 months or less

10% of the balance remitted

If time at large over 12 months

10% to No remission

Partial Remission

Where the surety provided minimal or no supervision while the defendant was out on bail but did engage in immediate substantial efforts to recapture the defendant;

or

Where the surety provided close supervision while the defendant was out on bail but did not engage in immediate substantial efforts to recapture the defendant;

Partial remission is warranted subject to the weighing of factors previously identified.

REMISSION GUIDELINE

State is reimbursed for its costs.

If time at large 6 months or less

40% of the balance remitted

If time at large between 6-48 months

10% to 40% of the balance remitted

If time at large over 48 months

0% to 10% of the balance remitted

Substantial Remission

Where the surety provided close ongoing supervision while the defendant was out on bail and made immediate substantial efforts to recapture the defendant, substantial remission is warranted subject to the weighing of factors previously identified.

REMISSION GUIDELINE

Surety is reimbursed for its costs.

State is reimbursed for its costs.

If time at large 6 months or less

60% of the balance remitted

If time at large between 6-48 months

40% to 60% of the balance remitted

If time at large is over 48 months

0% to 40% of the balance remitted