

What is Bail Forfeiture?

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Bail Forfeiture

Okay, so you or your buddy got in some trouble with the law. Now you're hearing words like "misdemeanor" and "bondsmen" and "bail forfeiture." That's a lot of new vocabulary. Today we're going to clear some of this up for you by explaining [Salt Lake City Bail Forfeiture](#).

Topics covered on this page:

If you need to post bail, whether for yourself or for a friend or family member, it's good to understand the ins and outs of bail forfeiture.

Bail in Different Counties

For most misdemeanors (a criminal offense less serious than a felony that can usually be taken care of with a fine or a short prison sentence) and non-violent crimes, the accused person can post bail. Bail is a type of security, usually money, given in exchange for the release of someone who has been arrested. This payment helps guarantee that the arrested person will show up for future court dates as their case is considered and decided. So, what is bail forfeiture you ask? Well, bail forfeiture is when the bail is released to the court without the possibility of future repayment. Basically, it means you won't be seeing that bail money again.

What Happens If My Bail Money Was Forfeited?

Involuntary vs. Voluntary Bail Forfeiture

Bail can be released involuntarily or voluntarily. Involuntary bail forfeiture can happen when a person fails to appear at court after they have been released from custody. Unless they have a good reason for missing their scheduled court appearance, they lose their bail money. The case isn't over yet, though. Failure to appear in court means a warrant is issued for the arrest of the defendant. With this new arrest comes a new bail amount that the defendant will need to cover in order to be released again.

In some cases, a defendant can voluntarily release the bail they paid in order to cover legal fees, court costs, and other fines that come up in the course of their case. However, this money can only be used to cover court fees and fines. They cannot be applied toward payments to a victim.

Voluntary Bail Forfeiture In-Depth

There are many misdemeanor cases in which a citation can take the place of formal filing in court. In such cases, with the court's permission, a defendant may waive court appearances and voluntarily forfeit his or her bail. Under Utah Code 77-20b-104, such voluntary forfeiture of bail constitutes a conviction, and it is treated by the court as a guilty plea. So, for some minor offenses, it can be practical to opt for bail forfeiture, but for more serious charges, it is important to consider the consequences of voluntarily forfeiting bail.

This means that a conviction is entered into your criminal record. The conviction will appear in criminal background checks, and bail forfeiture can also disqualify you for an expungement, depending on what else is on your existing criminal record. It can also impact your ability to obtain a reduction of your conviction (also called a 402 reduction).

If you intend to plead guilty and want to avoid the cost of hiring a defense attorney, in Utah forfeiting your bail may be a good decision. But, if you are facing *serious* charges before you decide on bail forfeiture, you need to consult with an experienced Utah criminal lawyer. Your attorney will help you make sure you are entirely clear on *all* your rights and on *all* the consequences of voluntarily forfeiting bail in lieu of any other options you may have available to you.

Involuntary Bail Forfeiture In-Depth

If a defendant does not appear in court when required, the judge can order forfeiture of bail or retention of the bail. This means the court has effectively seized ownership of the bond money. In such circumstances, generally, neither the defendant nor the bail bonds company will receive a return of the bail money, although there are exceptions.

After bail forfeiture occurs, the state of Utah allows the person who posted the bail a maximum of six months to deliver the defendant in court in order to prevent permanent loss of the bail posted. The person who posted the bail can then approach the court for the

release of the bail money. The individual must present an acceptable reason why the court should grant a return of the forfeited bail money to the person who posted it with the court.

The reason(s) provided in the request to recover forfeited bail must explain why the defendant did not appear in court when required. Sufficient explanations might include, for example, being in jail in some other location or being in the hospital. Or, if the defendant was not notified of the date he/she was required to appear in court, this may be viewed by the judge as a good reason for failing to appear.

For more detailed information about bail forfeiture, see Utah Code 77-20b-104 Forfeiture of Bail, published on the [Utah Courts](#) website.

When Defendant Can't Pay the Bail Amount

It's not uncommon for a defendant to need help posting bail. Often, funds are posted by friends or family members. If bail money is released to the court because of involuntary bail forfeiture, those who originally paid the bail will have to get paid back by the defendant. If the defendant hopes to use the bail amount to cover court costs with a voluntary forfeiture, the court will need to get authorization from the person who posted the bail in the first place.

If a defendant can't get help from friends or family, they can also choose to hire a bail bondsman. Bail bondsmen will cover the bail amount for a fee. Usually, they get paid a certain percentage of the bail amount. If the defendant doesn't show up at court when they're supposed to and the funds are released involuntarily, the bondsman may sue the defendant for repayment. If this doesn't work, the bondsmen may get permission from the court to delay forfeiture and send a bounty hunter to find the defendant and return them to custody. Not a good situation.

Bail Forfeitable Offenses

There are some cases where, in certain areas of the country, a bail forfeiture can be used both to gain release from custody and to close the case. In this kind of situation, the defendant posts bail and is released from custody. If they choose to appear at court, they may contest their case. Winning means the bail amount is returned to them. If they choose not to appear in court, the case is closed and the bail amount is automatically released to the court. This option is not available in all states, so you'll want to research your local laws regarding bail forfeitable offenses.

What If a Bail Bonds Agency Posted My Bail That Was Forfeited?

For information about Utah laws governing [bail bondsmen](#), issuance of bail bonds, bail forfeiture, and consumer rights as they pertain to bail bonds, see Utah Code 77-20b-104 at the [Utah Courts](#) website.

Contact the Top Bail Bonds Agency

If you need more information about bail forfeiture or to get a bail bond in Utah, call Bad Boys Bail Bonds, Utah 24/7 at (801) 895-4014, or use our online contact request for a prompt response.