

SO YOU WANT TO BOND SOMEONE OUT OF JAIL? **GENERAL BAIL (BOND) INFORMATION**

What is bail? Bail or bond (in this case, bail and bond mean the same thing) is an amount of money in cash or surety bond for the purpose of making sure that a person attends all required court appearances. Bond allows an arrested person (defendant) to be released from jail until his or her case is completed.

Who can post bond? Any person can post his or her own bond. If the defendant can't afford to bond himself or herself out of jail, any other person over the age of 18 can post the bond.

If I bond someone out of jail, when will I get my money back? It could take months. If you post a cash bond, you *might* get some or your entire cash bond back, but it won't be until the case is finished and the necessary paperwork has been processed. **The law lets the Court use the cash bond to pay the fine.** If you post a surety bond, you will not get the surety bondsman's fee or the Sheriff's fee back.

CASH BONDS

What is a cash bond? A cash bond is the full amount of the bond required, paid in cash, to release a defendant from jail.

How much does a cash bond cost? A cash bond costs the full amount of the bond, **AND** a nonrefundable \$10 Sheriff's fee. Example: A \$500 cash bond would cost a total of \$510 (\$500 plus \$10).

How do I post a cash bond? For instructions on how to post a cash bond, call your local Sheriff's Office. Note: You do not need to pay a bail bond agent to post a cash bond for you because you or another person can post a cash bond.

Can I change my mind after I post a cash bond for someone? You may have the defendant turn himself or herself in to jail any time before the defendant misses a court date. If the defendant is returned to the jail, you will need to get the required paperwork from court personnel at your local courthouse. Fill out the paperwork and return it to the Court. A deputy clerk will give it to the judge for approval. It will take about two weeks for the money to be mailed to you.

If I post a cash bond, will I get my money back? Maybe. If the defendant attends all court appearances and either pleads guilty or is found guilty, by Idaho law, I.C. 19-2923, a cash bond can be used to pay fines and costs:

...when the money has been deposited, if it remains on deposit at the time of the judgment for the payment of a fine, the clerk must, under the direction of the court, apply the money in satisfaction thereof, and after satisfying the fine and costs, must refund the surplus, if any, to the party posting the deposit.

If you are using your money to post a cash bond for the defendant, please tell the jail your name and address. If you are using the defendant's own money to post the cash bond, tell the jailer that the bond money should be receipted in the defendant's name. The bond receipt should be made for the person whose money is being used for the cash bond. If there is any money left, it will be returned to the person whose name is on the bond receipt. If the defendant attends all court appearances and the charges are dismissed or dropped, the person whose name is on the cash bond receipt will receive the refund of the cash bond. It takes about two weeks for the refund to be mailed to the person who posted the cash bond.

What happens if the defendant misses court? The judge will issue warrant for the defendant's arrest, and the bond will be forfeited (defaulted).). If you post a cash bond for the defendant, there are only two ways you can get your money back: 1) You must find the defendant and turn him or her back to the jail within 180 days of the bench warrant; 2) If the defendant is arrested and put back in jail within 180 days of the warrant, you can request your cash bond back. If either of these happen, you go to the courthouse and ask for the "Request for Exoneration and Return of Cash Bail, Certificate of Surrender, and Order for Exoneration and Return of Cash Bail".

Fill out the paperwork and give it to the Court. The judge will review it and if approved, the cash bond will be mailed back to you. If the defendant isn't found or arrested within 180 days, the Court will keep all of your cash bond.

SURETY BONDS

What is a bail bondsman? Bondsman, bondsperson, bail agent, and bond agent are all names used for a person who is licensed by the State Department of Insurance to sell surety bonds and is authorized to conduct business in the State of Idaho. He or she is an agent for an insurance company that sells surety bonds.

What is a surety bond? A surety bond is an agreement made between a person and a bondsman. The bondsman agrees to post the necessary bond so the defendant can be released from jail.

This agreement is backed by an insurance company contract signed by the person and the bondsman on behalf of the insurance company. There has to be enough cash or collateral to cover the full amount of the bond in case the defendant misses his or her court date. Only a person who has been licensed by the State Department of Insurance may post a surety bond.

Why would I hire a bondsman? If you don't have the cash to cover the full bond amount and the Sheriff's fee, you may wish to hire a bondsman to bond yourself or someone else out of jail.

Also, as mentioned above, sometimes the Court keeps a cash bond. If you are bonding someone out of jail and you don't want to take the chance that all or part of your cash will be used to pay the defendant's court fines, fees and restitution, you might want to hire a bail bondsman.

How much does a surety bond cost? A surety bond will cost you a surety bond fee, **AND** a Sheriff's fee of \$10. You will not get any of the surety bondsman's fee or the \$10 back because it is nonrefundable. The surety bondsman's fee, set by the insurance company, may cost about 10% of the total bond plus \$25 or \$35 dollars. This fee can be different from company to company and their amounts should be listed with the Idaho Department of Insurance.

Example: a \$5000 bail bond could cost a total of \$545 (\$500 surety bondsman's fee plus \$35 and the \$10 Sheriff Fee).

How do I post a surety bond? Call any one of the bail bondsmen listed in the yellow pages of the phone book. The defendant and a cosigner will be required to sign the bond agent's contract.

If I'm a consignor, what will I have to do? If the defendant misses a court date, you may be expected to help the bondsman find the defendant, to pay the bondsman's expenses for finding the defendant, and to pay the full amount of the bond if the defendant cannot be found.

If I go through a bond agent to post a surety bond, will I get my money and collateral back? You will not get the surety bond fee or the Sheriff's fee back. Whether you get the rest of your money or your collateral back depends on what you and your bondsman agreed to in the contract. Every contract is different.

BEFORE SIGNING ANY CONTRACTS OR PROMISSORY NOTES, MAKE SURE YOU READ THROUGH THEM CAREFULLY. BE SURE YOU UNDERSTAND THEM. ALWAYS GET COPIES OF ALL DOCUMENTS YOU SIGN AT THE TIME YOU SIGN THEM.

PROPERTY BONDS

How do I post a property bond? Because using your property as bond is complicated, please call your attorney.

MORE INFORMATION . . .

What if I can't afford to lose the money I used to bond someone out of jail? Never bond someone out of jail if you cannot afford to lose that money or if you can't afford to wait for several months to get it back. Remember, even if the defendant makes all court appearances, the Court can use the cash bond to pay fines and fees. In the world of bonding people out of jail, there are no guarantees.

Note: The Sheriff's fee can change without notice.

This information is to provide you with basic information only. Every case is different and some are very complicated. If you need more information or legal advice, please contact your attorney.

If you have questions about bail bond agents, you can contact the Idaho Department of Insurance at (208) 334-4321.

Other information regarding the posting of bonds may be directed to your local court personnel, Sheriff's personnel or to the Trial Court Administrator's Office, Room 220 at the Bannock County Courthouse in Pocatello at 624 E. Center.

(The original information for this pamphlet was created by Ada County)