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AB-1854 Bail: attorney's fees: forfeited bail. (2015-2016)

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Assembly Bill No. 1854

CHAPTER 378

An act to amend Section 1305.3 of the Penal Code, relating to bail.

[Approved by Governor September 16, 2016. Filed with Secretary of State September 16, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1854, Bloom. Bail: attorney's fees: forfeited bail.

Existing law sets forth procedures under which the court is authorized to declare forfeited the undertaking of bail or the money or property deposited as bail if, without sufficient excuse, a defendant fails to appear for certain proceedings. Existing law requires the district attorney, county counsel, or applicable prosecuting agency to recover, out of the forfeited bail money, the costs incurred in successfully opposing a motion to vacate the forfeiture prior to the division of the forfeited bail money between the cities and counties in accordance with specified provisions.

This bill would require the district attorney, county counsel, or applicable prosecuting agency to, in addition, recover attorney's fees out of the forfeited bail money.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1305.3 of the Penal Code is amended to read:

1305.3. The district attorney, county counsel, or applicable prosecuting agency, as the case may be, shall recover, out of the forfeited bail money, the costs and attorney's fees incurred in successfully opposing a motion to vacate the forfeiture and in collecting on the summary judgment prior to the division of the forfeited bail money between the cities and counties in accordance with Section 1463.001.