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Criminal Procedure; Bail Forfeiture

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Criminal Procedure; bail forfeiture

NEV. REV. STAT. §178.508 (amended).

AB 45 (Committee on Judiciary); 1983 STAT. Ch 57

Existing law requires that persons admitted to bail execute a bond or undertaking to secure the bail insuring their appearance.¹ The court may require one or more sureties² for the bond or undertaking, or may authorize the acceptance of cash, bonds, or notes of the United States in an amount equal to or less than the face value of the bond.³ If the defendant executes an undertaking in excess of fifty dollars and subsequently fails to appear in court, existing law requires that notification of the failure to appear be sent to the sureties and the district attorney.⁴ With the enactment of Chapter 57, if money in excess of five hundred dollars is deposited with the court in lieu of a bail bond, notice of the defendant's failure to appear must be sent by certified mail to the depositor,⁵ in addition to the district attorney.⁶

1. See NEV. REV. STAT. §178.502(1).

2. *Id.* §104.1201(40) (defining a surety as a guarantor).

3. *Id.* §178.502(1).

4. *Id.* §178.508 (requires forfeiture of the undertaking upon the expiration of 90 days after notice is mailed to the sureties unless the sureties are exonerated); see also *id.* §178.509 (criteria for exonerated of a surety).

5. *Id.* §178.508 (amended by 1983 Nev. Stat. c. 57, §1, at 210) (applies only if the depositor is not the defendant).

6. *Id.*

Criminal Procedure; extradition

NEV. REV. STAT. §§178.640, 179.197 (amended).

SB 299 (Committee on Judiciary); 1983 STAT., Ch 238

Under existing law, the judge of a court of record¹ in an extradition proceeding must inform the defendant of the detainer lodged by the demanding state² and the included criminal charges.³ If the defendant wishes to test the legality of the arrest, the prisoner may apply for a writ of habeas corpus.⁴ Chapter 238 specifies that the application for a writ

1. NEV. REV. STAT. §1.020 (definition of courts of record).

2. See *id.* §179.183 No demand for the extradition of a person charged with a crime in another state shall be recognized by the Governor unless it satisfies the specified requirements. *Id.*

3. *Id.* §179.197(1).

4. See *id.* §34.370 (contents of a writ of habeas corpus).