

## Jail Bail

### Purpose:

The purpose of this section is to clarify the policy set by sections 10-3 and 17-32 of the Utah Code concerning Bail Commissioners appointed by local government to collect bail and fines, and the transfer of money by the commissioners to the appropriate court. ([UCA 17-32-3](#))

### Background:

The 1990 Legislature passed legislation which specifies that bail collected by locally appointed bail commissioners be transferred to the court having jurisdiction of the citation or complaint, within three days of receipt of the money. The bail may consist of cash and/or bonds. ([UCA 10-3-920](#), [UCA 17-32-1](#))

When the court is closed, the local bail commissioner may also collect payment of fine for a person serving a jail sentence, in default of the payment of such fine. The money shall be delivered to the court that has jurisdiction within three days of receipt of the money. ([UCA 10-3-921](#), [UCA 17-32-2](#))

### Policy:

1. If funds are not received directly from the bail commissioner, the local court should establish a procedure to receive the funds by check from the local treasurer.
2. Bail posted in the Salt Lake County Jail for any statewide case will be sent directly to the Salt Lake District Court. Personnel at the Salt Lake District Court will be responsible for disbursing bails to the appropriate court.
3. Bail posted in the Salt Lake County Jail, which is sent to the Salt Lake County Treasurer in error, will be disbursed to the court of jurisdiction by the treasurer. According to Salt Lake County policy, a written request for dispersal must be made by the court of jurisdiction.

## ***JAILS OTHER THAN SALT LAKE COUNTY JAIL***

### **Procedures:**

#### **Responsibility Action District Court**

1. The bail commissioner shall deliver cash bail to the court and wait while a receipt is issued. If a receipt cannot be issued immediately, the clerk, in the bail commissioner's presence, will document the cash bail on a log. Both the clerk accepting the cash bail and the bail commissioner will sign the log acknowledging the transfer of the amounts.
2. If the bail commissioner deposits cash bail with the local government treasurer, a check for the cash bail is mailed to the court and must be opened and logged during the mail payment process.
3. Receipting steps:
  - a. Enter cash bail into the trust account using the "Post Bail" option. If the cash bail should be forfeited to the fine, enter bail into the trust account using the post bail option first. Then dispose of the bail through the bail/bond disbursement option.
  - b. Utilize the note field to either capture the name of the jail or name and address of the payor. Optionally, add a note to record the location which forwarded the bail.
4. Deposit funds received in the appropriate accounts.

## ***SALT LAKE COUNTY JAIL***

#### **Responsibility Action Salt Lake District Court**

1. Determine which court should receive the bail.
2. For funds applicable to Salt Lake District Court cases, issue cash bail receipts on the appropriate case.
3. For funds applicable to cases in other courts or whose jurisdiction cannot be identified, receipt the funds to Trust Without A Case, entering all information known about the defendant posting the bail (i.e. name, address, phone, bail receipt number, etc.)
4. Issue a trust check to the court responsible for the case. Mail the check with as much supporting documentation as possible.

## **Other Courts**

5. When a bail check is received from the Salt Lake District court, issue a cash bail receipt on the appropriate case.
  - a. Enter a payee's name, address, etc. This is the person that actually paid the cash bail to the jail, not the court or jail that forwarded the cash bail. A note may be added as to what location forwarded the bail.
  - b. If there is not a case to which to post the cash bail (charges have not been filed yet), enter the cash bail into Trust Without a Case. Enter all information relating to the defendant and the payor, to properly identify the transaction.
  - c. Assign the money to the proper case when the case is filed.
6. If bail is not received from a case where the defendant was booked at the Salt Lake County Jail, contact the Salt Lake District Court.

## ***BAIL FROM SALT LAKE COUNTY JAIL SENT TO SALT LAKE COUNTY TREASURER***

### **District Court**

1. Issue a written request for the dispersal of bail to the Salt Lake County Treasurer.
2. When bail is received, issue a cash bail receipt on the appropriate case.