

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 14, 2022

Subject: Bill Brief on HB 2674

HB 2674 requires a forfeiture of an appearance bond to be set aside in certain circumstances.

The bill amends K.S.A. 22-2807, which is the statute that provides for forfeiture of bail and an appearance bond. Current law in subsection (a) provides that if a defendant fails to appear, the court shall declare a forfeiture of the bail. This bill would add that the court shall issue a warrant for the defendant's arrest.

Current law also provides that when bond has been forfeited and a surety can prove that a defendant is incarcerated somewhere within the United States prior to judgment of default then the court shall set aside the forfeiture. This bill would add that the forfeiture shall be set aside if (1) the warrant now required to be issued under subsection (a) is not issued within 14 days of the forfeiture, (2) the surety made a written request to the sheriff to enter the warrant into the national crime information center's index and the warrant was not entered within 14 days of receipt of such request, or (3) the defendant has been arrested outside of this state and the prosecuting attorney has declined to proceed with extradition.