

CPL ARTICLE 540: FORFEITURE OF BAIL.

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If ever a principal on bail fails to appear when required, Court shall so note on minutes, and bail/bond is thereby forfeited.

If a non-appearing principal later shows up, Court MAY discharge the forfeiture upon just terms.

Cash bail: County Treasurer provides written notice of forfeiture to the party who posted bail. After 45 days from such notice, or following final adjournment of proceeding - whichever later - Treasurer applies bail to County funds.

Bail Bond: District Attorney shall bring civil action against obligor within 120 days of forfeiture.

District Attorney shall file bail/bond - together with certified copy of forfeiture order - with County Clerk. Civil Judgment docketed against obligor(s), and constitutes a lien on their real property effective from date when judgment entered. The Order of Forfeiture comprises the Judgment Roll; and any action brought thereafter shall be in accordance with procedures applicable to debt owed to People of New York State.

IF bond was made by Local City/Town/Village court for *non*-Felony Complaint case = Financial Officer to bring civil action, pay over money to: City Treasurer/Financial Officer; Town Supervisor; or Village Treasurer. Money shall be the property of the locale where crime was committed.

ELSE = City Court cash bail is paid over to Treasurer/Financial Officer, and is the property of such city.

Local Town/Village Court cash bail is paid over to the State Comptroller by the 10th day following the end of the forfeiture month. Such money shall be the property of such town/village, EXCEPT, if one bail was set for multiple offenses and NOT specifically attributed: if *any* offense's bail would be payable to the State, the State assumes the entirety of the forfeited bail.

Principal can apply for remission of forfeited bail, to Superior Court which set bail; or if Local Criminal, to Superior Court of same county. MAY apply directly to Local District court which set bail. Application shall be within 1 year from forfeiture, on at least 5 days notice to D.A. together with service of underlying papers. Court shall only grant on payment of costs related to enforcement procedures.