

THE PROPERTY.

REVISOR'S NOTE: This section presently appears as Art. 16, § 96. The section presently appears to require the sheriff to return the seized property immediately on the issuance of an injunction, despite the fact that the injunction may later be dissolved.

Because such a return of the property may be detrimental to a plaintiff, a provision is added granting discretion to the court as to whether the sheriff must return the property seized.

The only other changes made are in style.

SEC. 11-513. FORFEITURE OF RECOGNIZANCE TO APPEAR OR TESTIFY.

(A) IN GENERAL.

IF A RECOGNIZANCE TAKEN FOR THE APPEARANCE OF A PERSON TO ANSWER OR TESTIFY IS FORFEITED, THE STATE'S ATTORNEY MAY ORDER A WRIT OF EXECUTION TO BE ISSUED FOR THE SUM DUE ON THE RECOGNIZANCE.

(B) PLEAS TO EXECUTION.

IF A WRIT OF EXECUTION IS ISSUED AGAINST A PERSON WHO FAILED TO ANSWER OR TESTIFY, ON THE RETURN OF THE EXECUTION HE MAY FILE ANY PLEA TO THE EXECUTION WHICH WOULD BE GOOD AND SUFFICIENT TO A SCIRE FACIAS IF A SCIRE FACIAS HAD ISSUED ON THE RECOGNIZANCE.

(C) DISCHARGE FROM FORFEITURE AND EXECUTION.

IF THE PLEA IS DETERMINED IN FAVOR OF THE PERSON WHO FILED THE PLEA, HE SHALL BE DISCHARGED FROM THE FORFEITURE. HOWEVER, HE MAY NOT BE DISCHARGED FROM THE EXECUTION BEFORE A HEARING ON THE PLEA UNLESS HE:

- (1) PAYS OR SATISFIES THE EXECUTION;
- (2) GIVES A BOND PAYABLE TO THE STATE; OR
- (3) ENTERS INTO A RECOGNIZANCE IN COURT WITH SECURITY IN DOUBLE AMOUNT OF THE FORFEITURE AND COSTS DUE ON THE EXECUTION WITH CONDITION TO APPEAR AND PLEAD IN DISCHARGE OF THE EXECUTION, AND ABIDE BY AND FULFILL THE JUDGMENT ON THE RECOGNIZANCE.