

(3) If a criminal case is stetted, (i) the defendant is entitled to a refund of any collateral put up by him for bail or recognizance; (ii) any other person who has furnished collateral is likewise entitled to refund; and (iii) if any bond or other security has been furnished, the bond or other security shall be discharged, unless it has been declared forfeited AND 10 YEARS HAVE ELAPSED SINCE THE BOND OR OTHER SECURITY WAS POSTED, in which event neither the defendant nor any other person is entitled to a refund or discharge.

(4) ANY COURT EXERCISING CRIMINAL JURISDICTION SHALL MAY NOT EXERCISE A FORFEITURE OF THE BOND OR COLLATERAL POSTED BY A SURETY AND SHALL RETURN THE BOND OR COLLATERAL TO THE SURETY WHERE:

(I) THE DEFENDANT FAILS TO APPEAR IN COURT; AND

(II) THE SURETY PRODUCES EVIDENCE, IN COMPLIANCE WITH THE TIME CONSTRAINTS OF PARAGRAPH (1) OF THIS SUBSECTION, THAT:

1. THE DEFENDANT IS INCARCERATED IN A PENAL INSTITUTION OUTSIDE THE STATE; AND

2. THE STATE'S ATTORNEY IS UNWILLING TO ISSUE A DETAINER AND SUBSEQUENTLY EXTRADITE THE DEFENDANT.

(5) ANY COURT EXERCISING CRIMINAL JURISDICTION THAT HAS ORDERED FORFEITURE OF A BOND OR COLLATERAL, AFTER EXPIRATION OF THE TIME ALLOTTED BY PARAGRAPH (1) OF THIS SUBSECTION FOR A SURETY TO PRODUCE A DEFENDANT, SHALL RETURN THE FORFEITED BOND OR COLLATERAL UPON THE PRODUCTION OF IF THE SURETY, WITHIN 10 YEARS FROM THE DATE THE BOND OR COLLATERAL WAS POSTED, PRODUCES EVIDENCE THAT:

(I) THE DEFENDANT IS INCARCERATED IN A PENAL INSTITUTION OUTSIDE THE STATE; AND

(II) THE STATE'S ATTORNEY IS UNWILLING TO ISSUE A DETAINER AND SUBSEQUENTLY EXTRADITE THE DEFENDANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to bonds or other security for bail posted on or after the effective date of this Act.

SECTION -2- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 27, 1988.