

BAIL BOND FORFEITURE PROCEDURE
NON-PROFESSIONAL SURETIES
Sections 16-4-108, 109 and 110, C.R.S.

Any bond may be forfeited, by order of the court, upon the party's failure to appear or to comply with the conditions of the bond.

1. If the party fails to appear or comply with the conditions of the bond.

- The Clerk of Court issues a ***Notice of Forfeiture and Citation to Show Cause*** (JDF 360). Within ten (10) days from the failure to appear, the Notice and Citation is personally served or sent certified mail to the party and co-obligor (if any), and by personal service or regular mail to the party's attorney(s). The hearing should be set at least thirty-five (35) days from the date of forfeiture to allow for service and response time.
- ***Order for Judgment on Bond Forfeiture*** (JDF 361). If the Party does not appear, or surrender within thirty (30) days from the date of forfeiture, or the date returnable on the show cause, an Order for Judgment may be signed by the Judge. Copies must be sent by personal service or regular mail to the party, co-obligor, and party's attorney(s). The amount of the judgment entered should be the same as the face amount of the bond (court costs are included within that judgment). Judgment must be satisfied by a date certain, not less than forty-five (45) days and not more than ninety (90) days from the date of judgment entered.
- ***Order Vacating Judgment of Bond Forfeiture/Satisfaction of Judgment*** (JDF 363). Copies must be sent by personal service or regular mail to the party, co-obligor, and party's attorney(s).

2. Disposition of money collected on forfeiture.

- If costs were awarded as part of the judgment, these are paid first.
- Felony and criminal bond forfeiture (other than traffic) are considered criminal fees (code 25).
- Traffic bond forfeitures are considered traffic fines (35) or DUI fines (36, 37 or 38).
- Civil bond forfeiture on civil contempt warrants are considered civil court costs (25).