

BOND FORFEITURE PROCEDURE

1. If a defendant fails to appear a bench warrant is issued, then notice of the warrant will be sent to the defendant and surety by the parish clerk of court
2. Personal surety – defendant and surety by regular us mail
3. Commercial surety – defendant and agent by regular us mail and national surety by certified mail (must send to all 3)
4. Notice must be sent within 60 days of the issuance of the warrant. The clerk will do a certificate of mailing notice. Failure to send the notices within the time period terminates the bond obligation. (ccrp art 334)
5. If the defendant appears within 180 days of the mailing of the notice of the warrant, then the 180 day period would start over
6. If the defendant appears after 180 days of the issuance of the warrant or is surrendered within 180 days by the surety, then the defendant should be remanded, and a new bond needs to be set. (ccrp art 331)
7. If the defendant does not appear/surrendered within 180 days. Then the da's office will file a rule to show cause for the issuance of a judgment. (ccrp art 335)
8. When the rule is filed, it will be set for hearing and the clerk must notify the parties. (ccrp art 335)
9. Personal surety – mailed regular us mail to defendant and served via sheriff on personal surety
10. Commercial surety – mailed regular us mail to defendant and served on the national surety through the secretary of state
11. At the hearing, the prosecuting attorney will offer proof of the following: (ccrp art 336)
12. Bail undertaking (appearance bond contract)
13. Power of attorney (for commercial sureties only)
14. Notices to the defendant and surety under ccrp art 334
15. More than 180 days has passed (i recommend including this in your rule or filing an affidavit)
16. If the judgment is issued at the hearing, then notice of the judgment will be sent to the parties by the bossier parish clrk of court and another certificate of mailing must be done and placed in the file (ccrp art 339)
17. Defendant – send regular us mail
18. Personal surety
19. Personally, served for rule– regular us mail
20. Domiciliary service or utl for rule– served via sheriff
21. Commercial surety – serve through the secretary of state
22. The judgment may be recorded in mortgage records.
23. After the period for a suspensive appeal has passed we will collect on the judgment. (ccrp art 342)
24. The judgment will be collected by filing with the department of insurance under 22:1441. (ccrp art 342)