

## Use of Bail/Bond Funds for Restitution

<u>State/Citation</u>	<u>Bail/Bond or Forfeited Money</u>	<u>Restitution for related offense</u>	<u>Restitution for unrelated obligation</u>	<u>Notes</u>
<b>Alaska</b>				
Alaska Stat. § 12.30.075	<b>X</b>	<b>X</b>		Forfeited money posted by D goes to restitution, if owed to victim, otherwise forfeited money goes to the state. Does not make distinction whether timing must be pre-trial or post-trial.
<b>Arizona</b>				
Ariz. Super. Ct. R. App. P. Crim. R. 9	<b>X</b>			A party that fails to perfect the appeal shall be deemed to have abandoned the appeal, and the disposition appealed from shall stand as if no appeal had been taken. The trial court may apply any available bond to fines or restitution, and otherwise complete the execution of the sentence.
<b>California</b>				
Cal. Penal Code § 1297	<b>X</b>	<b>X</b>		Refers to D's deposited money rather than bail. If restitution is owed, the deposited money will go to pay restitution if it is still deposited at the time judgment the judgment is issued.
Cal. Penal Code § 1463.009	<b>X</b>	<b>X</b>		Up to 50% of bail forfeiture can be distributed to amount necessary to pay restitution when D was charged/convicted of a violent/serious felony or if in violation of Section 261, 264.1, 286, 288, 288a, 288.5, or 289, or to satisfy any civil court judgment in favor of victim of the offense.

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<b>Colorado</b>				
Colo. Rev. Stat. § 13-21-809	X	X	X	Under Drug Dealer Liability Act; Prejudgment attachment may be removed if D demonstrates that he posted a bond sufficient to cover a potential award. But prior to payment of any judgment awarded to D, payment shall first be made to satisfy any order or judgment entered against the defendant in a criminal proceeding for restitution, including any contributions to a crime victim compensation fund.
<b>Idaho</b>				
Idaho Code § 19-2908	X	X	X	When bail has been posted by cash deposit and remains on deposit at the time of the judgment, the clerk of the court shall, under the direction of the court, apply the money in satisfaction of fines, fees, costs and restitution imposed in the case or any other criminal case.
<b>Illinois</b>				
725 Ill. Comp. Stat. § 5/110-7	X		X	Bail bond deposited by or on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations of that same defendant incurred in a different case due to a fine, court costs, restitution

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<b>Indiana</b>				
Ind. Code § 35-33-8-3.2	X	X		If D is convicted, court may retain all or part of bail money for restitution
<b>Kansas</b>				
Kan. Stat. Ann. § 22-2802	X	X	X	A D who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees
<b>Maine</b>				
15 M.R.S. § 1074	X	X	X	Either pre-conviction or post-conviction, any or all portion of the bail can be used to pay restitution imposed in proceeding for which bail was posted or for unrelated proceeding; restitution is 1st in priority
17-A M.R.S. § 1329	X	X		When a D defaults on restitution payments and is declared in forfeiture of bail (under 15 M.R.S. § 1094), the district attorney shall use the proceeds to satisfy the offender's restitution obligation.

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<b>Michigan</b>				
Mich. Comp. Laws § 765.15	<b>X</b>	<b>X</b>		If the court ordered restitution, money pay be taken out of D's personally posted bail/bond money.
Mich. Comp. Laws § 769.1j	<b>X</b>			A D must pay minimum court cost is ordered to pay restitution. If a D posts a cash bond or bail deposit in connection with the case, the court shall order that the minimum state cost be collected out of the bond or deposit
Mich. Comp. Laws § 780.66	<b>X</b>	<b>X</b>		If the court ordered a defendant who has made a cash deposit in accordance with subsection (1) to pay a fine, costs, restitution, assessment, or other payment, the court shall order the fine, costs, restitution, assessment, or other payment collected out of the cash deposit.
Mich. Comp. Laws § 780.67	<b>X</b>	<b>X</b>		If the court ordered restitution, money pay be taken out of D's personally posted bail/bond money.
<b>Minnesota</b>				
Minn. Stat. § 629.53	<b>X</b>	<b>X</b>		If restitution has been ordered, bail money may be used to satisfy payments.
<b>Mississippi</b>				
Miss. URCCC Rule 6.02	<b>X</b>	<b>X</b>	<b>X</b>	Deposited bail money may be disbursed to satisfy any restitution payments D has been ordered to make; restitution in second in priority.

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<b>Montana</b>				
Mont. Code Ann. § 46-9-503				A surety bail bond is an appearance bond only and CANNOT be used to satisfy restitution payments
Mont. Code Ann. § 46-9-512	<b>X</b>	<b>X</b>		If restitution has been ordered, bail money may be used to satisfy payments. If bail is forfeited, the court having jurisdiction may order it to be paid as restitution for the offense for which the court received bail.
<b>New York</b>				
N.Y. Crim. Proc. Law § 420.10	<b>X</b>	<b>X</b>	<b>X</b>	Where cash bail has been posted by D as the principal and is not forfeited or assigned, the court at its discretion may order that bail be applied toward payment of any order of restitution or reparation or fine. Restitution is first in priority.
<b>North Dakota</b>				
N.D. Cent. Code § 29-08-28	<b>X</b>	<b>X</b>	<b>X</b>	In the case of a conviction, the judge may order the bail moneys (even if deposited by a third person) to be applied to any fine, cost, or restitution.

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<b>Rhode Island</b>				
R.I. Gen. Laws § 12-13-10	<b>X</b>	<b>X</b>	<b>X</b>	No court shall require the deposit of cash as the sole monetary condition of release on bail, except in cases where D owes court-ordered restitution. If the money remains on deposit at the time of a judgment for the payment of restitution, the clerk must apply the money in satisfaction of the judgment.
<b>Wisconsin</b>				
Wis. Stat. § 969.02	<b>X</b>	<b>X</b>		For misdemeanors: When a judgment of conviction is entered in a prosecution in which a deposit had been made in accordance, the balance of such deposit, after deduction of the bond costs, shall be applied first to the payment of any restitution and then, if ordered restitution is satisfied in full, to the payment of the judgment.
Wis. Stat. § 969.03	<b>X</b>	<b>X</b>		For felonies: When a judgment of conviction is entered in a prosecution in which a deposit had been made in accordance, the balance of such deposit, after deduction of the bond costs, shall be applied first to the payment of any restitution