
What happens if the arrested person fails to appear at a court hearing or fails to perform a condition of release?

If the arrested person doesn't appear in court as scheduled, or doesn't comply with the orders of the court, the person may be re-arrested and also charged with additional crimes such as "Failure to Appear" or "Violation of Conditions of Release." Also, any bail paid may be kept by the court. If the full amount of the bail was paid to the court, that amount may be kept by the court. If only a percentage of the amount was paid, the percentage may be kept by the court and the person who paid the initial amount may be required to pay the remaining percentage to the court. If the bond was unsecured, then the person may be required to pay the pledged amount of the bond.

What if the person *does* appear and perform the conditions?

If the person makes all court appearances, and complies with all court orders and meets all conditions of the release, the bail will be returned after the case is closed. The court may order that fines be paid with bail money posted by the arrested person.

Who can pick up the bail money after it is released by the court?

The person who posted the cash or bond may complete a form at the Customer Service Counter in the court to request a refund. A check will be issued to the person who posted cash bail as soon as possible.

Bail

Answers to some common questions

For more information about bail,
please contact your local courthouse.
You can find contact information for
your local courthouse online at
http://www.courts.alaska.gov/court_dir/index.htm.

Important:

This is an informational pamphlet about bail. It is not meant to advise you about Alaska law. You should talk to a lawyer about your individual situation. The Alaska Lawyer Referral Service will help you find a lawyer (907-272-0352 or 1-800-770-9999).

What is bail?

Bail is an amount of money (or sometimes other property) given to the court to insure that a person arrested for a crime appears in court at future scheduled hearings and abides by other conditions that may be established by the court.

Is bail always necessary?

No, sometimes a judge will release persons on their own recognizance (often called “OR” release) or with an unsecured appearance or performance bond. If a bond is unsecured, then the person does not need to pay the bond amount to get released, but the person may be required to pay the bond amount if he or she fails to appear or perform as directed by the court. The judge will do this if the judge decides the person can be trusted to appear at court hearings and is not a danger to the community.

The court may appoint a pretrial enforcement officer (PED Officer). The PED Officer monitors and enforces the person’s conditions of release.

If PED Officers are not available in the person’s location, then the judge may release the arrested person to the custody of someone else (spouse, parent, other relative, attorney, or friend) who accepts the responsibility to make sure the arrested person appears in court and abides by other conditions that the court may set.

How much money is needed for bail?

A judge sets the amount of money and decides whether the arrested person must pay all of it or part of it in order to be released. If the arrested person posts bail directly with the court or the jail, the bail posted will be returned after the case is closed if the arrested person has met all conditions set by the court and has appeared at all scheduled court hearings.

Are checks acceptable?

Personal checks are not accepted. Bail often must be paid in cash. Other forms of payment may be accepted. Check with the jail or court for details.

Where is bail paid?

Bail can be paid at the Customer Service Counter in the court during business hours. In many locations, bail may be paid at the jail anytime.

If cash or bond is being posted, forms must be completed by the person posting and by the arrested person.

For more information on paying bail, visit the following website:
<http://courts.alaska.gov/trialcourts/payments.htm>

What happens when the person is released?

The arrested person must sign an Order and Conditions of Release form. The person is given a copy of the Order and Conditions of Release, which contains the conditions he or she must meet and the date and time of his or her next court appearance.

If the court appoints a PED Officer, then the arrested person must maintain contact and follow all of the PED Officer’s instructions, as part of the person’s conditions of release.

If the arrested person is released into the custody of another person, the other person is responsible for seeing that all conditions of the release are met by the arrested person. This custodian must also make sure the arrested person appears in court as scheduled. These conditions appear on the court form.