

What You Need To Know
About...

APPEARANCE BONDS

Posted In The

U.S. District Court
District of New Jersey



Office of the Clerk
William T. Walsh, Clerk

What You Need to Know About

APPEARANCE BONDS

This pamphlet contains information regarding the responsibilities and conditions of posting bail for a Criminal Defendant as ordered by a federal judge. It also details the policies and procedures on the handling of appearance bonds.

WHAT IS AN APPEARANCE BOND?

Appearance bonds are posted for the release of a Criminal Defendant or a witness who is in legal custody so as to secure his/her appearance as required before this Court and such other places as required.

All bonds must be ordered by the Court before acceptance by the Clerk's Office. Bonds may be secured or unsecured. Secured bonds may be fully or partially secured with any number of the following: cash, property, collateral, corporate bonds. Unsecured bonds require the Defendant and co-signer(s), if any, to agree to have a lien placed against them in the amount of the bond.

WHO CAN POST A BOND?

At a formal bail hearing, the presiding Judge will hear information relevant to considerations for setting bail. If a secured bond is being considered, official inquiries will be made about the individual's financial resources and, if appropriate, the sources of any property (including cash) to be offered as collateral.

The Court may order co-signer(s) to execute the Appearance Bond by signing it, along with the Defendant. Both the Co-signer(s) and the Defendant will be informed of their obligations and responsibilities. Co-signer(s) must provide identification (i.e., driver's license, passport, alien registration card). **Co-signers be Warned:**

Failure by the Defendant to appear as required and/or violating any condition of release may result in the bail being revoked. The Judge may then declare any property (including the full amount of a cash bond) to be forfeited to the United States.

TYPES OF APPEARANCE BONDS

UNSECURED BONDS

Unsecured bonds are executed when a Defendant is released without posting cash or collateral. The Court may require a co-signer(s). The Defendant and co-signer(s), if any, agree to have a lien placed against them in the amount of the bond.

SECURED BONDS

Cash Bonds

Cash bonds should be tendered to the cashier located in the District Court Clerk's Office. The term "cash" bail includes certified checks, cashier's checks or money orders. The Court suggests avoiding the deposit of cash.

All bail bonds will be receipted by the cashier in the name of the individual posting bail. The original receipt should be maintained in a safe place, as it may be needed for surrender to the Clerk's Office upon refund.

The individual posting cash must sign an Affidavit of Cash Security stating that the money belongs to him/her. The name and address on the affidavit will be used to return the money after cancellation of the bond.

The Court is required to report to the Internal Revenue Service any cash bail of \$10,000 or more. The Clerk's Office will require the Depositor to complete the IRS Form 8300 for submission by the Clerk's Office to the Internal Revenue Service.

Property Bonds

Property may be approved by the Judge as

collateral to secure a bond. Certain documents may be required by the Court (i.e., deed, mortgage statement, tax bill, photo identification of property owner and property valuation, etc.). Therefore, anyone posting property should be sure to check with Pretrial Services and the presiding Judge for any additional requirements which may vary on an individual case basis.

Non-Cash Collateral Bonds

The Court may allow collateral other than cash, such as titles to vehicles, stock notes, bonds, etc. to be posted. A receipt will be generated and an *Affidavit by Owner of Collateral Posted* must be signed by the Owner. The original receipt should be maintained in a safe place, as it will be needed for surrender to the Clerk's Office upon return of the collateral.

Corporate Surety Bonds

The use of Bail bondsmen must be pre-approved by the Court. Bail bondsmen used on federal bonds must comply with certain guidelines. All sureties used must be on the Department of Treasury's Listing of Approved Sureties (Circular 570). This listing is available on the internet at (<http://www.fms.treas.gov/c570/c570.html>).

REFUND OR RELEASE OF BAIL BONDS

A bond refund or release is not performed as a standard procedure upon conclusion of a case. Upon termination of a criminal proceeding and **authorization from the United States Attorney**, the Clerk shall cancel the appearance bond. Where there has been a deposit of cash or non-cash collateral, the Clerk shall prepare an Order for submission to the Court for the return of the cash or non-cash collateral.

Cancellation of a bond is done through a notification by the U.S. Attorney's Office to the Clerk's Office. This is done after a finding of not guilty, the imposition of probation, dismissal of the case or the Defendant's surrender to the Marshal

or designated institution.

Upon receipt of a signed Order from the Judge, the Clerk's Office Financial Department will issue a check for the refund. The check will be mailed to the payee unless otherwise stated in the Order. This process typically takes 2-4 weeks.

In some instances, the cash bail deposit may be transferred to the Treasury of the United States upon Court Order as payment of an imposed special assessment, fine and/or restitution pursuant to 28 U.S.C. § 2044.

MODIFICATION TO CONDITIONS OF RELEASE AND/OR BOND INFORMATION

Any modifications (i.e., the bond amount, property or collateral posted, or co-signer) to the appearance bond or the conditions of release requires the defendant to obtain an Order from the Court.

Any changes to the information contained in the affidavit(s) of the depositor of collateral, must be reported to the Clerk's Office Financial Department.

Clerk's Office
Financial Department
402 East State Street
Trenton, NJ 08608
609-989-0468

Clerk's Office United States District Court District of New Jersey

Martin Luther King , Jr. Federal Building &
U.S. Courthouse
50 Walnut Street, Room 4015
Newark, NJ 07102
973-645-3730

Clarkson S. Fisher Federal Building &
U.S. Courthouse
402 East State Street, Room 2020
Trenton, NJ 08608
609-989-2065

Mitchell H. Cohen U.S. Courthouse
1 John F. Gerry Plaza
4th & Cooper Streets, Room 1050
Camden, NJ 08101
856-757-5021

U.S. Pretrial Services

Martin Luther King , Jr. Federal Building &
U.S. Courthouse
50 Walnut Street, Room 1018
Newark, NJ 07102
973-645-2230

Clarkson S. Fisher Federal Building &
U.S. Courthouse
402 East State Street, Suite 100
Trenton, NJ 08608
609-989-2056

U.S. Post Office and Federal Building
401 Market Street, 1st Floor
Camden, NJ 08101
856-757-5107