
Bail

Answers to some common questions

Note:

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 (in Anchorage) at 272-0351 or 800-478-9999 will help you find a lawyer.

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 will appear 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 on an unsecured appearance bond. (This means the person promises to appear for trial without paying bail.) The judge will do this if he or she decides the person can be trusted to appear at his/her court hearings and is not a danger to the community. The judge may also release the arrested person to the custody of someone else (husband, wife, parent, or 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 a percentage of the amount in order to be released. If the arrested person posts bail directly with the court or the jail, the bail posted will be returned to him/her after the case is closed if the defendant has met all conditions set by the court and has appeared at all his/her scheduled court hearings.

Are checks acceptable?

Personal checks are not accepted. Bail must be paid in cash. Bail may only be paid by money order, certified check or cashier’s check if approved in advance by a judge and only in selected communities.

Where is bail paid?

Bail can be paid at the Customer Service Counter in the court weekdays during business hours. 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 defendant.

What happens when the person is released?

The 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/she must meet

and the date and time of his/her next court appearance.

If the arrested person is released to the custody of another person, the other person is responsible for seeing that all conditions of the release are met by the defendant. This custodian must also make sure the arrested person appears in court as scheduled. These conditions appear in the Third-Party Custody section on the Order and Conditions of Release form.

What happens if the arrested person fails to appear at a court hearing?

If the person doesn't appear in court as scheduled, or doesn't comply with the orders of the court, he/she may be rearrested on the original charge and also charged with a new crime called, "Failure to Appear." Also, any bail paid may be kept by the court. If the full amount of the bail was paid to the court, that amount will be kept by the court. If only a percentage of the amount was paid, the percentage will be kept by the court and the person who paid initial amount will be required to pay the remaining percentage to the court.

What if the person does appear?

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.