

Rule 116. Bond or Collateral Security

(a) LIST OF BONDS AND COLLATERAL SECURITY. The clerk must prepare a list of bonds and collateral security to be taken from persons charged with offenses to resolve certain misdemeanor offenses under D.C. Code § 5-335.01 (2019 Repl.) or to assure the person's appearance for trial or further hearing.

(b) RELEASING OFFICIAL. The court may appoint officials of the Metropolitan Police Department or other law enforcement agency operating in the District of Columbia to act as clerks with authority to take bonds or collateral security in accordance with the list established under Rule 116(a).

(c) FORFEITURE.

(1) *Violation of Condition.* If a defendant violates a condition of a bond, the court must declare a forfeiture of the bond.

(2) *Setting Aside.* If the court determines that justice does not require enforcement of a forfeiture, the court may set aside the forfeiture and impose appropriate conditions. In the case of a defendant who has failed to appear, only the judge who originally imposed the forfeiture may set it aside.

(3) *Enforcement.* When the court declares a forfeiture, the court must, on motion, enter a judgment of default, and execution may issue on the judgment. By entering into a bond, the obligors submit to the jurisdiction of the court and irrevocably appoint the clerk as their agent on whom any papers affecting their liability may be served. The liability may be enforced on motion without filing an independent action. The motion and any notice of the motion required by the court may be served on the clerk, who will immediately mail copies to the obligors at their last known addresses.

(d) RELEASE. When the defendant satisfies the conditions of the bond, the court must release the bond.

COMMENT TO 2020 AMENDMENTS

This rule has been amended consistent with the general restyling of the federal rules in 2002. The provisions addressing sureties were deleted.