

**629.62 APPLICATION FOR BAIL; JUSTIFICATION.**

If a person charged with a criminal offense and in custody desires release on bail and if the district court is not in session in the county the person may apply to a judge of district court or a judge of the Court of Appeals. The person shall apply by affidavit showing the nature of the application, the names of the persons to be offered as bail, and a copy of the papers upon which the person is held in custody. The judge may order the person charged to appear at a hearing to determine bail. The court shall give notice of the application to the county attorney, if within the county. No matters may be inquired into except those matters which relate to the amount of bail and the sufficiency of the sureties. A surety shall prove either by affidavit or upon oral examination by the court that the surety's assets are sufficient to pay the bond penalty amount to the court if the person bound under the bond fails a condition of the bond.

**History:** (10598) *RL s 5256; 1983 c 359 s 142; 1984 c 387 s 6; 1985 c 265 art 10 s 1; 1986 c 444*