

**629.63 SURETY ARREST OF DEFENDANT.**

If a surety believes that a defendant for whom the surety is acting as bonding agent (1) is about to flee, (2) will not appear as required by the defendant's recognizance, or (3) will otherwise not perform the conditions of the recognizance, the surety may arrest or have another person or the sheriff arrest the defendant.

If the surety or another person at the surety's direction arrests the defendant, the surety or the other person shall take the defendant before the judge before whom the defendant was required to appear and surrender the defendant to that judge.

If the surety wants the sheriff to arrest the defendant, the surety shall deliver a certified copy of the recognizance under which the defendant is held to the sheriff, with a direction endorsed on the recognizance requiring the sheriff to arrest the defendant and bring the defendant before the appropriate judge.

Upon receiving a certified copy of the recognizance and payment of the sheriff's fees, the sheriff shall arrest the defendant and bring the defendant before the judge.

Before a surety who has arrested a defendant who has violated the conditions of release may personally surrender the defendant to the appropriate judge, the surety shall notify the sheriff. If the defendant at the hearing before the judge is unable to post increased bail or meet alternative conditions of release in accordance with rule 6.03 of the Rules of Criminal Procedure, the sheriff or a deputy shall take the defendant into custody.

**History:** (10599) *RL s 5257; 1985 c 265 art 10 s 1; 1986 c 444*