

# INSTRUCTIONS

## *Motion To Vacate or Reduce Bail Judgment – Hearing Required*

Pennsylvania Rules of Criminal Procedure authorize the release of a defendant charged with a criminal offense on bail until the date of the trial upon execution of a Bail Bond which is conditioned, in part, upon the defendant's appearance at every hearing scheduled in connection with the underlying case. If a monetary condition of bail is imposed, the Bail Bond contains provisions authorizing the forfeiture of the monetary bail and entry of a judgment against the surety, as provided in Rule 536 (A)(2). Once bail is forfeited and a judgment is entered, it must be paid - even if the defendant is ultimately found not guilty of the offense charged or even if the charges are withdrawn.

However, the forfeiture, or bail judgment, may be set aside if a *Motion to Vacate or Reduce Bail Judgment* is filed as required by Philadelphia Criminal Rule No. 516, as soon as possible after forfeiture of the bail or the entry of the judgment.

### **The following procedure must be followed:**

1. The *Motion To Vacate or Reduce Bail Judgment* ("Motion") which must be used is available on the website of the First Judicial District at: <http://courts.phila.gov/FORMS> and also at the Criminal Justice Center, 1301 Filbert Street, Room 200, Philadelphia, PA 19107. Motions must be filed in Room 200 CJC, 1301 Filbert Street, Philadelphia, PA 19107 and a filing fee of \$12.50 must be paid.
2. The person who files the *Motion* is known as the "Petitioner." The person who signs the bail bond and deposits any required security to obtain the release of the defendant is known as the "Surety" and if the defendant fails to appear for any scheduled hearing, a judgment will be entered against the "Surety." Therefore, the Surety, who is the Petitioner, **must** prepare, complete, sign and file the Motion. If the Petitioner is represented by an attorney, the attorney may file the *Motion* which has been signed by the Petitioner together with an entry of Appearance.
3. The Petitioner bears the burden and responsibility to explain why the defendant failed to appear on the date in question and to provide required proof (such as proof of incarceration or hospitalization) in the *Motion* and at a hearing scheduled after the *Motion* is filed.
4. If a hearing is held by a Hearing Officer appointed by the President Judge of the Court of Common Pleas, the Hearing Officer will provide a Recommendation to the President Judge. The President Judge may approve the Recommendation or enter any other appropriate order. The order of the President Judge is appealable to the Superior Court within thirty (30) days after it is issued.
5. The entire bail judgment amount (together with court costs and interest) is payable immediately upon entry. However, for the convenience of the Surety, the court may permit the Surety to pay the amount in monthly installment payments. The judgment will be "Satisfied" upon the payment of the judgment amount, interest and other appropriate court costs.

