

HOUSE BILL REPORT

HB 2211

As Reported By House Committee On:
Judiciary

Title: An act relating to imposition of costs.

Brief Description: Allowing costs to be imposed against a defaulting defendant.

Sponsors: Representatives R. Meyers, Padden, Appelwick, Wineberry, J. Kohl and Johanson.

Brief History:

Reported by House Committee on:
Judiciary, January 26, 1994, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott; Tate and Wineberry.

Minority Report: Do not pass. Signed by 1 member: Representative Eide.

Staff: Bill Perry (786-7123).

Background: A significant number of criminal defendants fail to appear at hearings or trials when they are supposed to. Such defendants may or may not subsequently be convicted. The court system incurs costs when it issues arrest warrants for defendants who fail to appear at hearings. Current law generally requires a conviction before these costs can be imposed on a defendant. An exception is provided for an administrative fee that may be imposed on a defendant who enters deferred prosecution.

In the case of traffic infractions, however, a \$47 fee is imposed on a person who fails to appear at a hearing. (The base statutory fee is \$25, but with public safety and education account assessments, the total amount is \$47. Public safety and education account assessments are 90 percent of the base penalty.) The fee is for failing to appear, and its imposition is independent of whether the

person is ultimately determined to have committed the infraction. This assessment for failure to appear was upheld as not violative of due process in Burman v. State, 50 Wn. App. 433 (1988).

Summary of Bill: A criminal defendant who fails to appear at a hearing or trial may be assessed costs of up to \$100. Regardless of the outcome on the underlying criminal charges, these costs are considered a judgment against the defendant.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will allow recovery of a significant cost to the court.

Testimony Against: The bill unconstitutionally imposes a penalty prior to conviction.

Witnesses: Judge Kip Stilz, District and Municipal Court Judges Association (pro).