

SENATE BILL REPORT

SB 6065

AS PASSED SENATE, FEBRUARY 1, 1994

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

SPONSORS: Senators Ludwig, Nelson, Wojahn, Fraser, Snyder, Bauer and A. Smith

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Martin Lovinger (786-7443)

Hearing Dates: January 18, 1994

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Certain costs are associated with the preparation and serving of warrants when a defendant has failed to appear. Under current law, courts may impose costs on a convicted defendant for whom the court has incurred the expense of preparing and serving a warrant. Costs may not be imposed on a defendant against whom the underlying case has been dismissed even if a warrant was prepared and served for a voluntary failure of the defendant to appear.

SUMMARY:

Costs, not to exceed \$100, may be imposed upon a defendant to cover the expense of preparing and serving a warrant for failure of the defendant to appear at court. These costs constitute a judgment against the defendant at the time of imposition and the judgment survives the dismissal of the underlying action against the defendant.

Appropriation: none

Revenue: yes

Fiscal Note: requested January 11, 1994

TESTIMONY FOR:

Taxpayers pay the costs associated with the failure of a defendant to appear as scheduled. Regardless of the outcome of the underlying matter, it is not fair to make taxpayers pay the costs resulting from the defendant's voluntary failure to

appear. This bill only provides judges with the discretion to impose costs, it does not mandate it. If defendants have good reasons for failing to appear, courts will not impose costs.

TESTIMONY AGAINST: None

TESTIFIED: Judge Kip Stilz, Thurston County District Court (pro)

HOUSE AMENDMENT(S):

If a defendant is acquitted at trial on the underlying matter, warrant costs imposed for failure to appear must be dismissed.