

HOUSE BILL ANALYSIS

HB 2526

Title: An act relating to enforcement of outstanding warrants from courts of limited jurisdiction.

Brief Description: Authorizing agreements to allow bail bond agencies to execute bench warrants.

Sponsors: Representatives Carrell, Esser and Cox.

Brief Summary of Bill

- Allows courts of limited jurisdiction, with the approval of the local legislative body, to enter into agreements with bail bond agencies to execute bench warrants issued for an accused's failure to appear or violation of a condition of release.

HOUSE COMMITTEE ON JUDICIARY

Staff: Trudes Hutcheson (786-7384).

Background:

Pretrial release of an accused in courts of limited jurisdiction are, in large part, governed by court rules. Courts usually release a person accused of a misdemeanor or gross misdemeanor on personal recognizance pending trial, unless the court determines that the person would likely not appear in court, will commit a violent crime, or will intimidate witnesses.

The court may impose conditions on the accused to reasonably assure that the accused will appear in court. Those conditions include, for example, placing travel restrictions on the accused, requiring the execution of a bond, and requiring the accused to return to custody during specified hours.

When a court of limited jurisdiction authorizes the pretrial release of the accused, the court must issue an order containing a statement of the conditions imposed on the accused and of the penalties applicable for violations of the conditions. The order must also inform the accused that a warrant for the accused's arrest may be issued upon any violation of the conditions.

If the court requires the accused to post bail, the accused may seek the aid of a bail bond agency to post bail on the accused's behalf. If the accused fails to appear in court when required, the bail bond may be forfeited. Bail bond agencies have the authority to apprehend an accused who has failed to appear. In these cases, the bail bond agency's authority to act is based on the agency's right to exercise control over the accused pursuant to the private contract.

Cities with a population over 400,000 may have a warrant officer within the city police department. The number and qualifications of the warrant officers are fixed by ordinance, and they are compensated by the city. Warrant officers are vested only with the special authority to make arrests authorized by warrants and other arrests authorized by ordinance.

Summary of Bill:

If approved by the local legislative body, courts of limited jurisdiction may enter into agreements with bail bond agencies for the propose of executing bench warrants for an accused's failure to appear or violation of a condition of release.

A court using bail bond agencies must advise the accused upon release that: (a) his or her failure to appear or violation of a condition of release may result in a warrant for the accused's arrest; (b) the warrant may be executed by a bail bond agency; and (c) the accused will be financially responsible for reimbursing the bail bond agency for the actual costs incurred by the agency for seeking, apprehending, and transporting the accused.

The court must require the accused to pay the costs of executing the warrant. The costs imposed for reimbursement constitute a judgment against the accused and will survive any acquittal or dismissal of the underlying action. The court may assign to the bail bond agency any debt incurred by the accused.

Fiscal Note: Not requested.

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

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