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HOUSE BILL 2061

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Boldt and Carrell

Read first time 02/21/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to encouraging court efficiency through cooperation  
2 between courts and bail bond agencies; amending RCW 35.20.270 and  
3 3.62.040; reenacting and amending RCW 3.62.020; and adding a new  
4 section to chapter 3.02 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 3.02 RCW  
7 to read as follows:

8            (1) Where approved by the local legislative body, courts of limited  
9 jurisdiction may enter into agreements with one or more licensed bail  
10 bond agencies for the purpose of executing bench warrants for an  
11 accused's failure to appear or violation of a condition of release.  
12 These agreements may specify the scope of work, remuneration for  
13 services, and other charges deemed appropriate.

14            (2) Upon the release of an accused on bail or on his or her  
15 personal recognizance pending trial, a court using licensed bail bond  
16 agencies shall advise the accused in writing that his or her failure to  
17 appear or violation of the conditions of release may result in a  
18 warrant for the accused's arrest, that the warrant may be executed by

1 a bail bond agency, and that the accused will be financially  
2 responsible for reimbursement costs to the bail bond agency.

3 (3) When a warrant is executed by a licensed bail bond agency, the  
4 court shall require the accused to pay the costs of executing the  
5 warrant. Costs are limited to actual expenses incurred by the licensed  
6 bail bond agency in seeking, apprehending, and transporting the  
7 accused. Such costs imposed constitute a judgment against the accused  
8 and survive a dismissal or acquittal of the underlying action against  
9 the accused. The court may assign to the licensed bail bond agency any  
10 debt incurred by the accused for the bail bond agency's costs of  
11 executing the warrant.

12 **Sec. 2.** RCW 35.20.270 and 1992 c 99 s 1 are each amended to read  
13 as follows:

14 (1) The position of warrant officer is hereby created and shall be  
15 maintained by the city within the city police department. The number  
16 and qualifications of warrant officers shall be fixed by ordinance, and  
17 their compensation shall be paid by the city.

18 (2) Warrant officers shall be vested only with the special  
19 authority to make arrests authorized by warrants and other arrests as  
20 are authorized by ordinance.

21 (3) All criminal and civil process issuing out of courts created  
22 under this title shall be directed to the chief of police of the city  
23 served by the court and/or to the sheriff of the county in which the  
24 court is held and/or the warrant officers and be by them executed  
25 according to law in any county of this state.

26 (4) No process of courts created under this title shall be executed  
27 outside the corporate limits of the city served by the court unless the  
28 person authorized by the process first contacts the applicable law  
29 enforcement agency in whose jurisdiction the process is to be served.

30 (5) Upon a defendant being arrested in another city or county the  
31 cost of arresting or serving process thereon shall be borne by the  
32 court issuing the process including the cost of returning the defendant  
33 from any county of the state to the city.

34 (6) Warrant officers shall not be entitled to death, disability, or  
35 retirement benefits pursuant to chapter 41.26 RCW on the basis of  
36 service as a warrant officer as described in this section.

1       (7) Nothing in this section precludes a court of limited  
2 jurisdiction, upon the approval of the local legislative body, from  
3 entering into agreements with licensed bail bond agencies for the  
4 purposes of executing bench warrants for an accused's failure to appear  
5 or violation of a condition of release as provided for in section 1 of  
6 this act.

7       **Sec. 3.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are  
8 each reenacted and amended to read as follows:

9       (1) Except as provided in subsection (4) of this section, all  
10 costs, fees, fines, forfeitures and penalties assessed and collected in  
11 whole or in part by district courts, except costs, fines, forfeitures  
12 and penalties assessed and collected, in whole or in part, because of  
13 the violation of city ordinances, shall be remitted by the clerk of the  
14 district court to the county treasurer at least monthly, together with  
15 a financial statement as required by the state auditor, noting the  
16 information necessary for crediting of such funds as required by law.

17       (2) The county treasurer shall remit thirty-two percent of the  
18 noninterest money received under subsection (1) of this section except  
19 certain costs to the state treasurer. "Certain costs" as used in this  
20 subsection, means those costs awarded to prevailing parties in civil  
21 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
22 convicted defendants in criminal actions under RCW 10.01.160,  
23 10.46.190, or 36.18.040, or other similar statutes if such costs are  
24 specifically designated as costs by the court and are awarded for the  
25 specific reimbursement of costs incurred by the state or county in the  
26 prosecution of the case, including the fees of defense counsel. Money  
27 remitted under this subsection to the state treasurer shall be  
28 deposited as provided in RCW 43.08.250.

29       (3) The balance of the noninterest money received by the county  
30 treasurer under subsection (1) of this section shall be deposited in  
31 the county current expense fund.

32       (4) All money collected for county parking infractions shall be  
33 remitted by the clerk of the district court at least monthly, with the  
34 information required under subsection (1) of this section, to the  
35 county treasurer for deposit in the county current expense fund. If  
36 the court uses licensed bail bond agencies to execute warrants, as

1 provided for in section 1 of this act, the clerk shall remit all money  
2 collected for the reimbursement of bail bond agency expenses to the  
3 bail bond agency that incurred such expenses.

4 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
5 interest at the rate of twelve percent per annum, upon assignment to a  
6 collection agency. Interest may accrue only while the case is in  
7 collection status.

8 (6) Interest retained by the court on penalties, fines, bail  
9 forfeitures, fees, and costs shall be split twenty-five percent to the  
10 state treasurer for deposit in the public safety and education account  
11 as provided in RCW 43.08.250, twenty-five percent to the state  
12 treasurer for deposit in the judicial information system account as  
13 provided in RCW 2.68.020, twenty-five percent to the county current  
14 expense fund, and twenty-five percent to the county current expense  
15 fund to fund local courts.

16 **Sec. 4.** RCW 3.62.040 and 1995 c 291 s 6 are each amended to read  
17 as follows:

18 (1) Except as provided in subsection (4) of this section, all  
19 costs, fines, forfeitures and penalties assessed and collected, in  
20 whole or in part, by district courts because of violations of city  
21 ordinances shall be remitted by the clerk of the district court at  
22 least monthly directly to the treasurer of the city wherein the  
23 violation occurred.

24 (2) The city treasurer shall remit monthly thirty-two percent of  
25 the noninterest money received under this section, other than for  
26 parking infractions and certain costs, to the state treasurer.  
27 "Certain costs" as used in this subsection, means those costs awarded  
28 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
29 or those costs awarded against convicted defendants in criminal actions  
30 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
31 if such costs are specifically designated as costs by the court and are  
32 awarded for the specific reimbursement of costs incurred by the state,  
33 county, city, or town in the prosecution of the case, including the  
34 fees of defense counsel. Money remitted under this subsection to the  
35 state treasurer shall be deposited as provided in RCW 43.08.250.

36 (3) The balance of the noninterest money received under this  
37 section shall be retained by the city and deposited as provided by law.

1 (4) All money collected for city parking infractions shall be  
2 remitted by the clerk of the district court at least monthly to the  
3 city treasurer for deposit in the city's general fund. If the court  
4 uses licensed bail bond agencies to execute warrants, as provided for  
5 in section 1 of this act, the clerk shall remit all money collected for  
6 the reimbursement of bail bond agency expenses to the bail bond agency  
7 that incurred such expenses.

8 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
9 interest at the rate of twelve percent per annum, upon assignment to a  
10 collection agency. Interest may accrue only while the case is in  
11 collection status.

12 (6) Interest retained by the court on penalties, fines, bail  
13 forfeitures, fees, and costs shall be split twenty-five percent to the  
14 state treasurer for deposit in the public safety and education account  
15 as provided in RCW 43.08.250, twenty-five percent to the state  
16 treasurer for deposit in the judicial information system account as  
17 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
18 and twenty-five percent to the city general fund to fund local courts.

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