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**SENATE BILL 5541**

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**State of Washington**                      **59th Legislature**                      **2005 Regular Session**

**By** Senators Carrell, Hargrove, Zarelli, Benson, Delvin and Schoesler

Read first time 01/27/2005. Referred to Committee on Judiciary.

1            AN ACT Relating to enforcement of outstanding warrants from courts  
2 of limited jurisdiction; amending RCW 35.20.270, 3.62.020, and  
3 3.62.040; and adding a new section to chapter 3.02 RCW.

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

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

7            (1) Where approved by the local legislative body, courts of limited  
8 jurisdiction may enter into agreements with one or more licensed bail  
9 bond agencies for the purpose of executing bench warrants for an  
10 accused's failure to appear or violation of a condition of release when  
11 the accused has two or more outstanding warrants. These agreements may  
12 specify the scope of work, remuneration for services, and other charges  
13 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 that his or her failure to appear or  
17 violation of the conditions of release may result in a warrant for the  
18 accused's arrest, that the warrant may be executed by a bail bond

1 agency, and that the accused will be financially responsible for  
2 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 shall be limited to actual expenses incurred by the  
6 licensed bail bond agency in seeking, apprehending, and transporting  
7 the accused. Such costs imposed constitute a judgment against the  
8 accused and survive a dismissal or acquittal of the underlying action  
9 against the accused. The court may assign to the licensed bail bond  
10 agency any debt incurred by the accused for the bail bond agency's  
11 costs of 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, to enter  
3 into agreements with licensed bail bond agencies for the purposes of  
4 executing bench warrants for an accused's failure to appear or  
5 violation of a condition of release as provided for in section 1 of  
6 this act.

7       **Sec. 3.** RCW 3.62.020 and 2004 c 15 s 4 are each amended to read as  
8 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) Except as provided in RCW 10.99.080, the county treasurer shall  
18 remit thirty-two percent of the noninterest money received under  
19 subsection (1) of this section except certain costs to the state  
20 treasurer. "Certain costs" as used in this subsection, means those  
21 costs awarded to prevailing parties in civil actions under RCW 4.84.010  
22 or 36.18.040, or those costs awarded against convicted defendants in  
23 criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other  
24 similar statutes if such costs are specifically designated as costs by  
25 the court and are awarded for the specific reimbursement of costs  
26 incurred by the state or county in the prosecution of the case,  
27 including the fees of defense counsel. Money remitted under this  
28 subsection to the state treasurer shall be deposited as provided in RCW  
29 43.08.250.

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

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

1 provided for in section 1 of this act, all money collected for the  
2 reimbursement of bail bond agency expenses shall be remitted by the  
3 clerk to the 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 2004 c 15 s 8 are each amended to read as  
17 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) Except as provided in RCW 10.99.080, the city treasurer shall  
25 remit monthly thirty-two percent of the noninterest money received  
26 under this section, other than for parking infractions and certain  
27 costs, to the state treasurer. "Certain costs" as used in this  
28 subsection, means those costs awarded to prevailing parties in civil  
29 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
30 convicted defendants in criminal actions under RCW 10.01.160,  
31 10.46.190, or 36.18.040, or other similar statutes if such costs are  
32 specifically designated as costs by the court and are awarded for the  
33 specific reimbursement of costs incurred by the state, county, city, or  
34 town in the prosecution of the case, including the fees of defense  
35 counsel. Money remitted under this subsection to the state treasurer  
36 shall be deposited as provided in RCW 43.08.250.

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

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

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

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

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