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## Judiciary Committee

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### HB 1119

**Title:** An act relating to fees associated with service of writs of habeas corpus.

**Brief Description:** Allowing the sheriff to waive fees associated with the service of a writ of habeas corpus under certain circumstances.

**Sponsors:** Representatives Goodman, Ryu and Santos.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Permits a sheriff to waive fees associated with service of a writ of habeas corpus that was issued for the return of a child when the person who was granted the writ is, by reason of poverty, unable to pay the costs.</li></ul>
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**Hearing Date:** 1/30/13

**Staff:** Cece Clynch (786-7195).

**Background:**

"Habeas corpus" is Latin and literally means "you have the body." A "writ of habeas corpus" is a written directive or order of the court commanding the party having the person that is the subject of the writ to bring such person before the court at the time and place specified in the writ.

Chapter 7.36 RCW governs writs of habeas corpus. Pursuant to that chapter, the superior and appellate courts of this state may grant writs of habeas corpus in favor of parents, guardians, spouses or domestic partners, and next of kin, to enforce the rights, and for the protection children and persons who are incompetent. Whenever it appears that the person that is the subject of the writ will be carried out of the jurisdiction of the court, or will suffer irreparable injury, before compliance with the writ may be enforced, the court may also issue a warrant directing the sheriff to take the person that is the subject of the writ and bring him or her immediately before the court.

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Once issued by the court, the writ (and any warrant) are brought to the sheriff to be served by delivery on the person who is alleged to be illegally holding the person that is the subject of the writ. The sheriff is also tasked with filing the return.

**Fees.**

The fees that the sheriff must collect for official services are set forth in statute. These include fees that must be charged and collected for service of writs, warrants, making returns, and actual and necessary mileage.

There are also fees specified in statute with respect to what courts must charge for various filings. The chapter governing writs of habeas corpus includes a specific provision allowing an impoverished person seeking a writ of habeas corpus, but unable to pay the fees, to seek a waiver of court fees and permitting, but not requiring, the court to waive such fees.

**Summary of Bill:**

A new section is added to the chapter governing writs of habeas corpus which permits, but does not require, the sheriff to waive fees associated with service of a writ of habeas corpus that was issued for the return of a child when the person who was granted the writ is, by reason of poverty, unable to pay the cost of service.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2013.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.