
Public Safety Committee

HB 2462

Brief Description: Concerning surrender of person under surety's bond.

Sponsors: Representatives Kilduff, Goodman and Rodne.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies the requirements for bail agents to surrender defendants to custody.

Hearing Date: 1/26/16

Staff: Kelly Leonard (786-7147).

Background:

Pretrial release is the release of a defendant from custody pending trial. A personal recognizance release is the release of the defendant from custody solely upon his promise to appear for future court proceedings. Bail allows the defendant to be released from custody only upon the posting of cash or other security with the court. The property is held as collateral to assure the defendant's appearance in future court proceedings. The state Constitution guarantees the right to bail for people charged with noncapital crimes, and this right has been interpreted as the right to a judicial determination of either personal recognizance release or reasonable bail.

Bail is fulfilled by the posting of a bond. The defendant may post cash, securities, or other liquid assets to satisfy the amount of the bond. Alternatively, the defendant may seek a professional bail bondsperson, also referred to as a surety or bail agent, to post the bond in return for payment of a premium based on a percentage of the bond amount. The surety agrees to account for the appearance of the defendant at required times or else forfeit the bond.

A defendant arrested and held in custody may be located in the county or city jail affiliated with the court handling the charges against the defendant, or he or she may be located in another unaffiliated facility. Once a bond is posted, the defendant is released from custody. A surety can obtain a return of the bond if the defendant is returned to custody or produced in court. After a

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forfeiture for failure to appear in court or when surrendering the defendant for another reason, the surety may surrender the defendant to the county or city jail affiliated with the court or to the facility in which the person was originally held in custody.

Summary of Bill:

When a surety surrenders a defendant to custody, the surrender must be made to the county or city jail affiliated with the jurisdiction issuing the warrant resulting in bail. Upon surrender, a person must be held until the next judicial day or until another bond is posted.

Appropriation: None.

Fiscal Note: Requested on January 19, 2016.

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