

HOUSE BILL REPORT

HB 2462

As Reported by House Committee On:
Public Safety

Title: An act relating to surrender of person under surety's bond.

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

Sponsors: Representatives Kilduff, Goodman and Rodne.

Brief History:

Committee Activity:

Public Safety: 1/26/16, 1/29/16 [DP].

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

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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: Available.

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

Staff Summary of Public Testimony:

(In support) The bill is a request from district and municipal court judges. When a bail bond agent chooses to surrender a defendant to custody, he or she can return the defendant to the jail affiliated with the court or to unaffiliated jail where the defendant may have originally been held in custody. When it is an unaffiliated jail, a defendant is sometimes let go. For example, a warrant is issued in Thurston County. A defendant is then arrested, jailed, and bailed out in Clark County. The bail bond agent then surrenders the defendant back to Clark County rather than Thurston County where the charges originated. Clark County cannot hold the defendant and lets them go. This is a serious safety issue.

Bail bond agents are supportive of the bill. Returning the defendant to the jurisdiction where the charges originated is considered to be a best practice in the industry.

(Opposed) None.

Persons Testifying: Representative Kilduff, prime sponsor; Melanie Stewart and Sam Meyer, District and Municipal Court Judges' Association; and Dylan Doty, Washington Bail Agents Association.

Persons Signed In To Testify But Not Testifying: None.