

# HOUSE BILL REPORT

## HB 1195

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**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, Rodne, Goodman, Hayes and Muri.

**Brief History:**

**Committee Activity:**

Public Safety: 1/24/17, 1/26/17 [DP].

**Brief Summary of Bill**

- Requires bail bondspersons to surrender defendants to the custody of the jail affiliated with the jurisdiction handling charges against the defendant.
- Requires the surrendered defendant be held until the next judicial day or until another bond is posted.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 10 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**Staff:** Alex Pearson (786-7291) and 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 or her 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. 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.

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*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.*

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.

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. If bail is allowed, this constitutional guarantee has also been interpreted to guarantee the option of a surety arrangement.

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 bail bondsperson can obtain a return of the bond if the defendant is produced in court or returned to custody. After a forfeiture for failure to appear in court or when surrendering the defendant for another reason, the bail bondsperson may surrender the defendant to the county or city jail affiliated with the court or to the unaffiliated facility in which the person was originally held in custody.

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#### **Summary of Bill:**

When a bail bondsperson 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.

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**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) This bill clarifies a process within our bail bonds laws. Under current law, bail bondspersons have a choice to surrender a defendant either to the custody of a jail affiliated with the jurisdiction issuing the original warrant for the defendant's arrest or to an unaffiliated jail where the defendant was originally held. What happens in some cases is that a bail bondsperson may surrender a defendant back to an unaffiliated jail after the original warrant has cleared. Thus, after surrender, the unaffiliated jail—seeing no outstanding warrant for the defendant—will release the defendant on the belief the jail no longer has authority to detain them. This bill protects the public and clarifies the law by making it so

bail bondspersons must surrender defendants to the jurisdiction affiliated with the warrant resulting in bail.

(Opposed) None.

**Persons Testifying:** Representative Kilduff, prime sponsor; and Sam Meyer, District and Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** None.