
SENATE BILL 5032

State of Washington

55th Legislature

1997 Regular Session

By Senators Swecker, Bauer and Benton

Read first time 01/13/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to writs of restitution; and amending RCW
2 59.18.390.

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

4 **Sec. 1.** RCW 59.18.390 and 1989 c 342 s 11 are each amended to read
5 as follows:

6 The sheriff shall, upon receiving the writ of restitution,
7 forthwith serve a copy thereof upon the defendant, his agent, or
8 attorney, or a person in possession of the premises, and shall not
9 execute the same for three days thereafter, and the defendant, or
10 person in possession of the premises within three days after the
11 service of the writ of restitution may execute to the plaintiff a bond
12 to be filed with and approved by the clerk of the court in such sum as
13 may be fixed by the judge, with sufficient surety to be approved by the
14 clerk of said court, conditioned that they will pay to the plaintiff
15 such sum as the plaintiff may recover for the use and occupation of the
16 said premises, or any rent found due, together with all damages the
17 plaintiff may sustain by reason of the defendant occupying or keeping
18 possession of said premises, together with all damages which the court
19 theretofore has awarded to the plaintiff as provided in this chapter,

1 and also all the costs of the action. The plaintiff, his agent or
2 attorneys, shall have notice of the time and place where the court or
3 judge thereof shall fix the amount of the defendant's bond, and shall
4 have notice and a reasonable opportunity to examine into the
5 qualification and sufficiency of the sureties upon said bond before
6 said bond shall be approved by the clerk. If the writ of restitution
7 has been based upon a finding by the court that the tenant, subtenant,
8 sublessee, or a person residing at the rental premises has engaged in
9 drug-related activity or has allowed any other person to engage in
10 drug-related activity at those premises with his or her knowledge or
11 approval, neither the tenant, the defendant, nor a person in possession
12 of the premises shall be entitled to post a bond in order to retain
13 possession of the premises. The writ may be served by the sheriff, in
14 the event he shall be unable to find the defendant, an agent or
15 attorney, or a person in possession of the premises, by affixing a copy
16 of said writ in a conspicuous place upon the premises: PROVIDED, That,
17 notwithstanding any other provision of law, the sheriff shall not
18 require any bond for the service or execution of the writ under this
19 chapter or under chapter 59.20 RCW to specifically include not
20 requiring a bond for service and execution of the writ to remove a
21 mobile home, a mobile home tenant, or any personal property of the
22 mobile home tenant. The sheriff shall be immune from all civil
23 liability for serving and enforcing writs of restitution unless the
24 sheriff is grossly negligent in carrying out his or her duty. The
25 sheriff shall not require any person to hold harmless or indemnify the
26 sheriff for any violation by the sheriff of the service and enforcement
27 of a writ of restitution under this chapter or chapter 59.20 RCW. The
28 sheriff shall remove the mobile home, the tenant, the tenant's personal
29 property, or any combination of the three categories, as provided in
30 the writ of restitution.

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