

# SENATE BILL REPORT

## HB 1195

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As of March 15, 2017

**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:** Passed House: 2/09/17, 98-0.

**Committee Activity:** Law & Justice: 3/14/17.

### Brief Summary of Bill

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

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Aldo Melchiori (786-7439)

**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 the defendant's 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.

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 the defendant may be located in

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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.

**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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: 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, releases 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.

**Persons Testifying:** PRO: Representative Kilduff, Prime Sponsor; Judge Sam Meyer, District and Municipal County Judges Assoc.

**Persons Signed In To Testify But Not Testifying:** No one