

SENATE BILL REPORT

SB 6142

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 6, 1992

Brief Description: Limiting remittance of an appearance bond to the surety only if the case has not been adjudicated.

SPONSORS: Senators Nelson, A. Smith and Erwin

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6142 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Dick Armstrong (786-7460)

Hearing Dates: January 23, 1992; February 6, 1992

BACKGROUND:

Courts sometimes require criminal defendants to post a bond to ensure that the defendant will appear in court for the adjudication of his or her case. If the defendant flees the jurisdiction or otherwise fails to appear, the bond is forfeited. However, if within 12 months the bonding company produces the defendant in court or directly assists law enforcement in the apprehension of the defendant, the bonding company is entitled to a refund of the bond minus any cost to law enforcement.

Some companies claim that they have an absolute right to surrender the defendant on a forfeited bond for 12 months, even if the case has been adjudicated.

District court judges are requesting that existing law be clarified to require that a bonding company must make demand for refund of a bond prior to adjudication.

SUMMARY:

A bonding company or surety must make a demand for the return of a forfeited bond prior to the adjudication of the defendant's case.

EFFECT OF PROPOSED SUBSTITUTE:

Technical changes are made.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The bill will close a technical loophole in the law. Presently some bonding companies are requesting the return of their bond in cases where the defendant's case has already been disposed of by a court.

TESTIMONY AGAINST:

Sometimes bonding companies are responsible for "encouraging" the defendant to turn himself in to law enforcement, and in these instances the companies should be compensated for their efforts.

TESTIFIED: Judge McBeth, Judge Seitz, District Court Judges Association (pro); Gordon Walgren, C.J. Johnson, Washington Bail Bond Agents (con)