H-0200.1

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**HOUSE BILL 1312**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Goodman and Moscoso

AN ACT Relating to the limited exoneration of bail forfeitures in instances where the prosecuting agency declines extradition of a defendant; and adding a new section to chapter 10.19 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 10.19 RCW to read as follows:

(1) In all cases where a defendant is in custody beyond the jurisdiction of the court that ordered the bail forfeited, and the prosecuting agency elects not to seek extradition in a signed affidavit after being informed of the location of the defendant, the court must vacate the forfeiture and exonerate the bond on terms that are just and do not exceed the terms imposed in similar situations with respect to other forms of pretrial release.

(2) In all cases of forfeiture where: (a) A defendant is not in custody, is beyond the jurisdiction of the state, is temporarily detained by the bail agent in the presence of a local law enforcement officer of the jurisdiction in which the defendant is located, and is positively identified by that law enforcement officer as the wanted defendant in an affidavit signed under penalty of perjury; and (b) the prosecuting agency elects not to seek extradition after being informed of the location of the defendant, the court must vacate the forfeiture and exonerate the bond on terms that are just and do not exceed the terms imposed in similar situations with respect to other forms of pretrial release.

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