
Public Safety Committee

HB 1312

Brief Description: Concerning the limited exoneration of bail forfeitures in instances where the prosecuting agency declines extradition of a defendant.

Sponsors: Representatives Goodman and Moscoso.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires a court to vacate a bail forfeiture and exonerate the bond when a defendant is beyond the jurisdiction of the court that ordered the forfeiture and the prosecuting attorney elects not to seek extradition of the defendant.
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Hearing Date: 1/27/15

Staff: Cassie Jones (786-7303).

Background:

In a criminal case, an accused person not charged with a capital offense shall, at a preliminary appearance, be ordered released on the accused's personal recognizance pending trial unless the court determines such recognizance will not reasonably assure the accused's appearance or there is shown a likely danger that the accused is likely to commit a violent crime, or will seek to interfere with the administration of justice. If the court decides not to release the accused on his or her own recognizance, the court may require the execution of an unsecured bond in a specified amount, the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security, of a sum not to exceed 10 percent of the bond, or the execution of a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

If an accused has been released on his or her own recognizance or on bail and does not appear when the accused's personal appearance is necessary, the court may order forfeiture of the recognizance or bail and may direct the clerk to issue a bench warrant for the arrest of the accused.

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.

Summary of Bill:

A court must vacate the forfeiture of bail and exonerate bond in all cases when:

- the defendant is in custody outside of the jurisdiction of the court which ordered the forfeiture;
- the prosecuting attorney has been notified of the location of the defendant; and
- the prosecuting attorney elects not to seek extradition of the defendant in a signed affidavit.

A court must also vacate the forfeiture of bail and exonerate bond in all cases when:

- the defendant is not in custody and is beyond the jurisdiction of the state;
- the defendant is temporarily detained by the bail agent in the presence of a local law enforcement officer of the jurisdiction where the defendant is located;
- the defendant is positively identified by that law enforcement officer as the wanted defendant in a affidavit signed under penalty of perjury;
- the prosecuting attorney has been informed of the location of the defendant; and
- the prosecuting attorney elects not to seek extradition of the defendant.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.