

Judicial Impact Fiscal Note

Bill Number: 1312 S HB	Title: Bail forfeiture exoneration	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

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Request # 1312 SHB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Please see attached Judicial Impact Note (JIN)

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would amend RCW 10.19 adding a new section that would require 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.

This bill differs from HB 1312:

The substitute bill would require additional factors to be met prior to courts remitting bail:

- There is no executable warrant to extradite the defendant;
- The surety submitted a written request for an extradition warrant to the prosecuting attorney informing them of the location of the defendant and the surety has received a signed affidavit from the prosecuting attorney specifying that he or she is not seeking extradition; or 72-hours have passed since submitting the request to the prosecuting attorney.

The substitute bill would specify that the bail bond agent is entitled to the full bond except for any and all costs determined by the court to have been incurred by law enforcement in transporting, locating, apprehending, or processing the return of the defendant.

The substitute bill would change references to “bail agent” to “surety”.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

This bill would require that a court would vacate the forfeiture of bail and exonerate the bond in all cases when:

- The defendant is in custody, or the defendant is temporarily detained in the presence of a local law enforcement officer who has positively identified the defendant;
- There is no executable warrant to extradite the defendant;
- The surety submitted a written request for an extradition warrant to the prosecuting attorney; and
- 72 hours have passed since the submission of the written request, or the surety has received a signed affidavit from the prosecuting attorney specifying that he or she is not going to seek extradition.

The bill would require that the full amount of the bond must be returned to the surety, less any and all costs determined by the court to have been incurred by law enforcement in transporting, locating, apprehending, or processing the return of the defendant.

II.B - Cash Receipt Impact

Indeterminate. The Administrative Office of the Courts (AOC) does not have data available to estimate how many bail forfeitures would be released by the courts.

II.C – Expenditures

Indeterminate. Based on input from the courts, there would not be a large volume of hearings if this legislation passes. One estimate was no more than one or two hearing per year for a large court. However, any hearings that were required could be lengthy. The estimate provided by the judges was 90 minutes for a hearing. The \$50,000 expenditure level represents approximately 84 hours (0.07 FTE) of superior court judicial officer time annually cumulative for all superior

courts in the state with associated support staff and operational costs. This equates to approximately 60 hearings statewide.