
SUBSTITUTE HOUSE BILL 1312

State of Washington

64th Legislature

2016 Regular Session

By House Public Safety (originally sponsored by Representatives Goodman and Moscoso)

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.19
6 RCW to read as follows:

7 If a forfeiture has been entered against a defendant in a
8 criminal case and the defendant is located in a jurisdiction beyond
9 the jurisdiction of the court that ordered the bail forfeited, the
10 court shall remit the full amount of the bond to the surety, less any
11 and all costs determined by the court to have been incurred by law
12 enforcement in transporting, locating, apprehending, or processing
13 the return of the defendant to the jurisdiction of the court, if the
14 following apply:

15 (1)(a) The defendant is in custody in a jurisdiction beyond the
16 jurisdiction of the court that ordered the bail forfeited; or

17 (b) The defendant is temporarily detained by the surety in the
18 presence of a local law enforcement officer, is positively identified
19 as the defendant by the law enforcement officer in an affidavit
20 signed under penalty of perjury, and is located in a jurisdiction
21 beyond the jurisdiction of the court that ordered the bail forfeited;

1 (2) There is no executable warrant to extradite the defendant;

2 (3) The surety submitted a written request for an extradition
3 warrant to the prosecuting attorney of the jurisdiction that ordered
4 the bail forfeited informing him or her of the location of the
5 defendant; and

6 (4)(a) Seventy-two hours have passed since the submission of the
7 written request under subsection (3) of this section; or

8 (b) The surety has received a signed affidavit from the
9 prosecuting attorney specifying that he or she is not going to seek
10 extradition.

--- END ---