

**Chapter 10.19 RCW
BAIL AND APPEARANCE BONDS**

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Bail

*arresting officer's duties regarding: RCW 10.31.030.
pending appeal to supreme court: RCW 10.73.040.
traffic offenses, nonresidents: RCW 46.64.035.*

Fugitives, bail: Chapter 10.88 RCW.

Recognizance

*for stay of execution: RCW 10.82.020, 10.82.025.
to keep the peace as incidence of conviction of crime: RCW
10.64.070, 10.64.075.*

Recognizances relative to preliminary hearings: Chapter 10.16 RCW.

RCW 10.19.040 Officers authorized to take recognizance and approve bail. Any officer authorized to execute a warrant in a criminal action, may take the recognizance and justify and approve the bail; he or she may administer an oath and examine the bail as to its sufficiency. [2010 c 8 s 1013; Code 1881 s 1034; 1873 p 229 s 214; 1854 p 114 s 78; RRS s 2087. FORMER PART OF SECTION: 1891 c 11 s 13; Code 1881 s 1927; 1873 p 395 s 225; 1854 p 108 s 33; RRS s 1957, now codified in RCW 10.16.070.]

RCW 10.19.055 Class A or B felony offenses—Bail for release determined by judicial officer. Bail for the release of a person arrested and detained for a class A or B felony offense must be determined on an individualized basis by a judicial officer. [2012 c 6 s 1; 2010 c 254 s 2.]

RCW 10.19.060 Certification and filing of recognizances. Every recognizance taken by any peace officer must be certified by him or her forthwith to the clerk of the court to which the defendant is recognized. The clerk must thereupon record the recognizance in the order book, and, from the time of filing, it has the same effect as if taken in open court. [2010 c 8 s 1014; Code 1881 s 1035; 1873 p 230 s 215; 1854 p 114 s 79; RRS s 2088.]

RCW 10.19.065 Taking and entering recognizances. Recognizances in criminal proceedings may be taken in open court and entered on the order book. [Code 1881 s 1033; 1854 p 114 s 77; RRS s 2086.]

RCW 10.19.090 Forfeiture, exoneration of recognizances—Judgment—Execution. In criminal cases where a recognizance for the appearance of any person, either as a witness or to appear and answer, shall have been taken and a default entered, the recognizance shall be declared forfeited by the court, and at the time of adjudging such forfeiture said court shall enter judgment against the principal and sureties named in such recognizance for the sum therein mentioned, and execution may issue thereon the same as upon other judgments. If the surety is not notified by the court in writing of the unexplained failure of the defendant to appear within thirty days of the date for appearance, then the forfeiture shall be null and void and the recognizance exonerated. [1986 c 322 s 2; Code 1881 s 1137; 1873 p 230 s 217; 1867 p 103 s 1; RRS s 2231.]

Severability—1986 c 322: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 322 s 6.]

RCW 10.19.100 Stay of execution of forfeiture judgment—Bond. The parties, or either of them, against whom such judgment may be entered in the superior or supreme courts, may stay said execution for sixty days by giving a bond with two or more sureties, to be approved by the clerk, conditioned for the payment of such judgment at the expiration of sixty days, unless the same shall be vacated before the expiration of that time. [1891 c 28 s 86; Code 1881 s 1138; 1873 p 242 s 281; 1867 p 103 s 2; RRS s 2232. FORMER PART OF SECTION: 1891 c 28 s 87; Code 1881 s 1139; 1867 p 103 s 3; RRS s 2233, now codified as RCW 10.19.105.]

RCW 10.19.105 Forfeiture judgment vacated on defendant's production—When. If a bond be given and execution stayed, as provided in RCW 10.19.100, and the person for whose appearance such recognizance was given shall be produced in court before the expiration of said period of sixty days, the judge may vacate such judgment upon such terms as may be just and equitable, otherwise execution shall forthwith issue as well against the sureties in the new bond as against the judgment debtors. [1891 c 28 s 87; Code 1881 s 1139; 1867 p 103 s 3; RRS s 2233. Formerly RCW 10.19.100, part.]

RCW 10.19.110 Recognizances before district judge or magistrate —Forfeiture—Action. All recognizances taken and forfeited before any district judge or magistrate, shall be forthwith certified to the clerk of the superior court of the county; and it shall be the duty of the prosecuting attorney to proceed at once by action against all the persons bound in such recognizances, and in all forfeited recognizances whatever, or such of them as the prosecuting attorney may elect to proceed against. [1987 c 202 s 165; Code 1881 s 1166; 1873 p 230 s 215; 1854 p 128 s 175; RRS s 2234. FORMER PART OF SECTION: Code 1881 s 1936; 1873 p 397 s 235; 1863 p 390 s 216; 1859 p 141 s 185; 1854 p 109 s 43; RRS s 1965, now codified as RCW 10.16.190.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 10.19.120 Actions not barred by defect of form or formality. No action brought on any recognizance, bail, or appearance bond given in any criminal proceeding whatever shall be barred or defeated, nor shall judgment be arrested thereon, by reason of any neglect or omission to note or record the default of any principal or surety at the time when such default shall happen, or by reason of any defect in the form of the recognizance, if it sufficiently appear from the tenor thereof at what court or before what district judge the party or witness was bound to appear, and that the court or magistrate before whom it was taken was authorized by law to require and take such recognizance; and a recognizance may be recorded after execution awarded. [1987 c 202 s 166; 1891 c 28 s 88; Code 1881 s 1167; 1854 p 129 s 176; RRS s 2235. FORMER PART OF SECTION: Code 1881 s 749; 1854 p 219 s 489; RRS s 777, now codified as RCW 19.72.170.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 10.19.140 Return of bond to surety, when. If a forfeiture has been entered against a person in a criminal case and the person is returned to custody or produced in court within twelve months from the forfeiture, then the full amount of the bond, 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 person to the jurisdiction of the court, shall be remitted to the surety if the surety was directly responsible for producing the person in court or directly responsible for apprehension of the person by law enforcement. [1986 c 322 s 3.]

Severability—1986 c 322: See note following RCW 10.19.090.

RCW 10.19.150 Liability of surety, limitation. The liability of the surety is limited to the amount of the bond when acting within the scope of the surety's duties in issuing the bond. [1986 c 322 s 4.]

Severability—1986 c 322: See note following RCW 10.19.090.

RCW 10.19.160 Surrender of person under surety's bond. The surety on the bond may return to custody a person in a criminal case under the surety's bond if the surrender is accompanied by a notice of forfeiture or a notarized affidavit specifying the reasons for the surrender. The surrender shall be made to the county or city jail affiliated with the jurisdiction issuing the warrant resulting in bail. Upon surrender, a person must be held until the next judicial day or until another bond is posted. [2017 c 78 s 1; 1986 c 322 s 5.]

Severability—1986 c 322: See note following RCW 10.19.090.

RCW 10.19.170 Violent offenders—Reasons for release without bail. Notwithstanding CrR 3.2, a court who releases a defendant arrested or charged with a violent offense as defined in RCW 9.94A.030 on the offender's personal recognizance or personal recognizance with conditions must state on the record the reasons why the court did not require the defendant to post bail. [1996 c 181 s 1.]