

SUPERIOR COURT OF WASHINGTON FOR KITSAP COUNTY

IN RE:

LOCAL RULES OF THE SUPERIOR COURT
OF WASHINGTON FOR KITSAP COUNTY


ORDER RENEWING
AMENDED LOCAL COURT
RULES ADOPTED ON
EMERGENCY BASIS

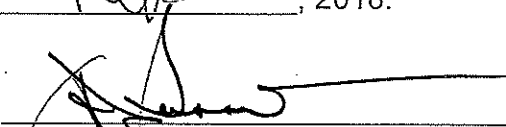
Pursuant to Civil Rules for Superior Court, the Superior Court of the State of Washington for Kitsap County hereby adopts the following emergency local rules and/or local rule amendments for a period of 90 days, commencing on the date set forth below:

KCLCrR 2.4	Justification of Bail Bond Companies and Sureties
Exhibit N-1	Petition for Order of Justification
Exhibit N-2	Order of Justification
Exhibit N-3	Declaration of [Agent Name]
Exhibit N-4	Declaration of [Agent Name] Exhibit Worksheets

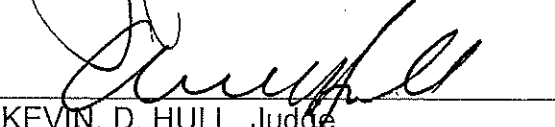
A copy of this rule is attached.


DATED and SIGNED this 27 day of Feb, 2018.

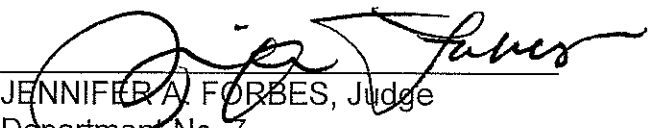

JEANETTE M. DALTON, Judge
Department No. 1

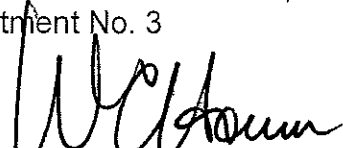

JEFFREY P. BASSETT, Judge
Department No. 5



LEILA MILLS, Judge
Department No. 2


KEVIN D. HULL, Judge
Department No. 6


MELISSA A. HEMSTREET, Judge
Department No. 3


JENNIFER A. FORBES, Judge
Department No. 7


WILLIAM C. HOUSER, Judge
Department No. 4


SALLY F. OLSEN, Presiding Judge
Department No. 8

2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS

KCLCrR 2.4 Justification of Bail Bond Companies and Sureties

- (a) Any bail bond company or surety desiring to post bail bonds in Kitsap County Superior Court, District Court or Juvenile Court is required to annually obtain an Order of Justification by filing a petition and proposed order with the Kitsap County Superior Court for an order of justification and paying a filing file.
- (b) Petition Filing; Procedures; Hearing.
 - (1) All petitions and orders shall be in the form provided by the Kitsap County Superior Court and filed with the Kitsap County Superior Court Clerk's Office no later than March 1 of each year, if the bail bond company or surety wishes to be justified to conduct business in Kitsap County Courts for the following year. A conformed copy of the petition and order shall also be provided to the Civil Division of the Kitsap County Prosecuting Attorney's Office, not later than March 1 of each year.
 - (2) Not later than March 31st of each year, the Civil Division of the Kitsap County Prosecuting Attorney's Office shall file either an objection to the issuance of the order of justification or, if no objection, an agreed order of justification. A copy of filed objections shall be served on the petitioner. Any reply by petitioner shall be filed with the Court and served on the Civil Division of the Prosecuting Attorney's Office no later than April 10.
 - (3) The Court may either issue an order on the pleadings, or in its discretion set a justification hearing regarding a petition before April 30 of each year, with notice provided to the parties, and require the petitioner to attend and be examined under oath as to the petitioner's justification qualification as provided in RCW 19.72.040 and this rule. If testimony is taken, it shall be recorded.
- (c) Petition Contents.
 - (1) The petition for justification shall provide the following information identified below and such other additional identified in the form provided by the Kitsap County Superior Court:
 - a. Courts. Identify the name of the court(s) in Kitsap County in which authorization to post bail bonds is sought.
 - b. Types of bonds. Identify the types of bonds the petitioner is seeking to post.
 - c. Current suretyship obligations. Provide a current list of all suretyship obligations to all courts within the geographic limits of Washington State, including the following: i) the name of the courts; ii) the name of the defendants; iii) the amount of the bonds; and, iv) the dates issued.

- d. Current bond forfeitures. Provide a list of current obligations to the courts in the way of bond forfeitures or other obligations incurred by the bonding company which have not been paid, or a statement that there are none.
 - e. Ownership. Provide for all persons, partnerships or corporations having any ownership interest in the bonding company, surety or any interest in its profits, a list of the names, addresses and dates of birth and percentage of ownership of each owner.
 - f. Agent List. Provide an alphabetical listing of the proposed bail bond agents who will engage in the sale or issuance of bail bonds on behalf of the petitioner in Kitsap County.
 - g. Jurisdictions. Identify all jurisdictions where the petitioner is currently and has previously been justified or denied justification.
- (2) Documentation. Provide a true and correct copy of each of the following documents:
- a. Business License/UBI. Documentation from the Washington State Department of Revenue or Department of Licensing listing the bail bond company's UBI number.
 - b. Washington State Insurance Commission Certification. Current Washington State Insurance Commission Certification which contains a statement indicating if: i) the corporate surety is duly licensed and authorized to transact business of surety insurance; ii) the corporate surety is in compliance with all State insurance laws; iii) the corporate surety has paid all fees and taxes; iv) identifies all offices and employees of the bonding company appointed as agents of the corporate surety; and v) identifies all offices and employees of the bonding company licensed as insurance agents in the State of Washington.
 - c. Power of Attorney. A current fully executed power of attorney for each agent authorized to execute surety bonds and the maximum dollar amount of any single bond which the agent is authorized to execute.
 - d. Current Bonds. A current list of petitioner's total bond obligations by county, segregating property bonds from surety bonds;
 - e. Agent Licenses. A current copy of every agent's current Washington State Department of Licensing Bail Bond Agent License.
 - f. Declaration. A declaration signed under penalty of perjury by each owner and proposed agent stating that person's full name, any aliases, former name(s), including maiden name(s), address, dates of birth, criminal history conviction information including date of conviction and name of sentencing court; Washington State Department of Licensing disciplinary actions and open investigations.

- g. Verified Financial Statements. As identified in the petition.
- h. All petitions for an Order of Justification shall be verified under oath or certified under penalty of perjury as authorized by RCW 9A.72.085.
- (d) Bond Limits. No Order of Justification shall authorize a bonding company to write bonds exceeding two hundred fifty thousand dollars (\$250,000) for any single bond, provided that any company justified by the county may seek approval for authorization to bond for additional sums on an individual case.
- (e) Denial. The court may deny an order of justification in whole or in part to the extent a petitioner files a pleading that is incomplete, inaccurate or insufficient under the terms of this rule, and may deny an order of justification in whole or in part for other good cause.
- (f) Order of Justification. If approved, the court shall sign an order of justification that shall designate the corporate surety on which surety bonds may be written, identify the name the authorized agents, set the maximum amount that may be written on any one bond by each surety, and specify any other conditions of justification.
- (g) Term. Unless revoke or suspended, an order of justification shall be in full force and effect for the period specified in the order, in any event not to exceed one year. All Orders of Justification shall expire at midnight on April 30 of each year.
- (h) Suspension; Revocation. An order of justification may be suspended or revoked at any time upon a determination of insufficiency or unreliability of the sureties or their agents or for such other reason as the court deems good cause. Suspension or revocation may be initiated by the Office of the Prosecuting Attorney upon filing a notice of intent to seek suspension or revocation with the Kitsap County Superior Court Clerk. The notice of intent to seek suspension or revocation shall include a short statement of the basis on which suspension or revocation is sought and shall be served on the bail bond company whose justification is at issue. A hearing will be set within thirty (30) days of filing and service of the notice of intent to seek suspension or revocation.
- (i) Additional Bail Bond Agents. During the period an order of justification is in effect, a petitioner may seek to add additional agents by filing with the Kitsap County Superior Court Clerk and serving on the Civil Division of the Kitsap County Prosecuting Attorney's Office a Notice of Intent to Add Agent(s) together with supporting information as required in paragraphs (c) (1) and (2). Absent objection by the Prosecuting Attorney, the intended agent(s) will be added without further order no later than the end of ten (10) court days after filing and service of said notice. In the event of objection, Petitioner may file a motion for review of the Notice of Intent to Add Agents(s), which shall be heard and determined by the Kitsap County Superior Court.
- (j) Removal of Bail Bond Agents. Bail bond companies shall notify the Kitsap County Superior Court and the Civil Division of the Kitsap County Prosecuting Attorney's Office when an agent authorized to post bonds under an order of justification is terminated from employment with the bail bond company. Failure to provide notice within twenty (20) days of the termination may constitute grounds for suspension or revocation of an order of justification.

- (k) Expiration or Revocation. Bail bond companies shall notify the Kitsap County Superior Court and the Civil Division of the Kitsap County Prosecuting Attorney's Office of any expired, revoked or otherwise invalid Washington State Department of Licensing or Insurance Commissioner Certification for the bail bond company or any agents of the bail bond company within three business days of the changed status. Failure to provide notice may constitute grounds for suspension or revocation of an order of justification.
- (l) Bail bond companies may file petitions and proposed orders to amend orders of justification to reflect changes in company information, including bond amounts and agents. Conformed copies of all petitions and orders shall be served on the Civil Division of the Kitsap County Prosecuting Attorney's Office. Absent objection by the Prosecuting Attorney, the orders may be amended no later than the end of ten (10) court days after filing and service of said notice. In the event of objection, petitioner may file a motion to amend orders of justification, which shall be heard and determined by the Kitsap County Superior Court.