

SENATE BILL REPORT

SB 6138

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, JANUARY 23, 1992

Brief Description: Repealing the power of district courts to require a "peace bond".

SPONSORS: Senators Nelson, A. Smith, Erwin and Madsen

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6138 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Newhouse, Rasmussen, and A. Smith.

Staff: Lidia Mori (786-7755)

Hearing Dates: January 23, 1992

BACKGROUND:

Judges are able to put a person in jail based on a belief that the person has made threats against the property or person of another and might in fact commit a crime. The person can avoid going to jail by posting a peace bond as security. If the person fails to post the peace bond, he or she can be held in jail for a period of up to one year. There is concern that this process is unconstitutional.

SUMMARY:

Revised Code of Washington 10.13 is repealed. District court judges do not have the power to send a person to jail or require the person to post a peace bond on the basis of the judges' belief that the person might commit a crime.

EFFECT OF PROPOSED SUBSTITUTE:

District court judges do not have the authority to send a person to jail or require a person to post a peace bond on the basis of the judges' belief that the person might commit a crime.

The weighted caseload system is the method by which the number of district court judges is determined for each county.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The requirement of posting a peace bond for a crime a person might commit is unconstitutional and should be repealed. The weighted caseload system was agreed to by the District Court Judges Association and the Association of Counties and should be the sole method by which the number of district court judges is determined for each county.

TESTIMONY AGAINST: None

TESTIFIED: Judge R. McBeth, District and Municipal Court Judges Association (pro); Judge Vicki Seitz, District Court Judges Association (pro)