

SENATE BILL REPORT

EHB 2679

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 23, 1994

Brief Description: Limiting stays of judgment pending appeal for serious violent and sex offenders.

SPONSORS: Representatives Morris, Long, Springer, Chappell, Campbell, Johanson, Brough, Moak, Fuhrman, Padden, Mielke, Cooke and Van Luven

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Susan Mahoney (786-7717)

Hearing Dates: February 23, 1994

BACKGROUND:

A defendant who has been convicted of a criminal offense may petition the court for a stay of execution of the judgment of conviction and ask the court to set conditions for release pending appeal of the conviction. A stay of execution means a defendant is not subject to any of the requirements set forth in a judgment and sentence until the appeal has been ruled upon.

Both statute and court rules currently govern the release of offenders. None of the existing statutes or rules require bail or other conditions of release pending appeal be set. The Legislature, subject to court rules, has the authority to legislate provisions governing stays of execution of judgments pending appeal. Concern has been expressed that there should be more restrictive guidelines governing this area.

SUMMARY:

The court may not release a defendant or set bail if the defendant is convicted of serious violent or sex offense.

The court may not release a defendant or set bail if the defendant is convicted of a crime of violence or a crime of harassment, as defined by statute, which is not a serious violent or sex offense, unless the court finds by clear, cogent, and convincing evidence that the defendant: (a) is unlikely to flee or unlikely to pose a danger to the safety of the victim, any other person, or the community if the judgment

is stayed; or (b) a stay will not cause unreasonable trauma to the victims of the crime or their families.

The court shall obtain the input of the crime victims and/or their families when considering whether to stay the judgment.

The court must enter findings of fact in all contested bail hearings under this section.

Appropriation: none

Revenue: none

Fiscal Note: requested January 31, 1994

TESTIMONY FOR:

Victims and their families should not have to be in situations where they must still face their assailants even after conviction. Also offers the community greater protection.

TESTIMONY AGAINST: None

TESTIFIED: Representative Morris, prime sponsor (pro)