

***Criminal Justice & Corrections  
Committee***

***ESSB 5970***

***Brief Description:*** *Revising provisions for probation orders.*

***Sponsors:*** *By Senate Committee on Judiciary (originally sponsored by Senator Hargrove).*

***Brief Summary of Engrossed Substitute Bill***

- *Authorizes courts to toll the probation term of misdemeanor and gross misdemeanor defendants who fail to appear for any court hearing.*

***Hearing Date:*** *3/28/01*

***Staff:*** *Yvonne Walker (786-7841).*

***Background:***

*Persons convicted of gross misdemeanor and misdemeanor crimes may have their sentences suspended for a maximum of two years of probation. Previously, courts tolled the two-year period of the suspended sentence when a defendant failed to appear for a required court hearing or to serve a sentence. A recent case from the Court of Appeals, Division III, Spokane v. Marquette, has held that orders tolling the probation time due to a defendant's failure to appear are invalid.*

***Summary of Bill:***

*District and municipal courts must toll the probation term of misdemeanor and gross misdemeanor defendants who fail to appear for any court hearing. The tolling continues until the defendant appears in court and makes his or her presence known to the court. The statute governing municipal court jurisdiction is also amended to conform to district court provisions allowing a court to modify or revoke a suspended or deferred sentence at any time before an order terminating probation is entered.*

***Appropriation:*** *None.*

***Fiscal Note:*** Available.

***Effective Date:*** Ninety days after adjournment of session in which bill is passed.