

# FINAL BILL REPORT

## ESSB 5970

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Synopsis as Enacted

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

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

**Senate Committee on Judiciary**  
**House Committee on Criminal Justice & Corrections**

**Background:** Persons convicted of gross misdemeanor and misdemeanor crimes can have their sentences suspended for a maximum of two years of probation. Previously, courts tolled (suspend or stop temporarily) 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*, Docket Number 18820-5-III, filed December 21, 2000, has held that orders tolling the probation time due to a defendant's failure to appear are invalid. Prosecuting attorneys have expressed a need for a statute authorizing courts to toll the time during which the sentence is suspended if the defendant has failed to appear for a hearing in order to effectively enforce treatment and other sentence provisions for persons convicted of gross misdemeanors and misdemeanors. Unless the Division III case is overturned on appeal, courts will have no jurisdiction to enforce a suspended sentence if the defendant is able to evade law enforcement for the two-year period of the suspended sentence.

**Summary:** District and municipal courts are directed to 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 revoke a suspended sentence at any time before an order terminating probation is entered.

**Votes on Final Passage:**

Senate	44	0
House	95	0

**Effective:** July 22, 2001