

HB 2625 - S COMM AMD  
By Committee on Judiciary

NOT ADOPTED 03/05/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to appoint a panel  
4 of experts to study bail practices and procedures. The bail system  
5 must be examined in a comprehensive and well-considered manner from all  
6 aspects including, but not limited to, judicial discretion, bail  
7 amounts and procedures, public safety, variations in county practices,  
8 constitutional restraints, and cost to local government. The variety  
9 of practices and procedures requires that a panel of experts study the  
10 issue and report its recommendation to the legislature.

11 NEW SECTION. **Sec. 2.** (1)(a) A legislative task force on bail  
12 practices is established, with members as provided in this subsection.

13 (i) The president of the senate shall appoint one member from each  
14 of the two largest caucuses of the senate;

15 (ii) The speaker of the house of representatives shall appoint one  
16 member from each of the two largest caucuses of the house of  
17 representatives;

18 (iii) The chief justice of the Washington state supreme court or  
19 the chief justice's designee;

20 (iv) A superior court judge appointed by the superior court judges  
21 association;

22 (v) A district or municipal court judge appointed by the district  
23 and municipal court judges association;

24 (vi) The governor or the governor's designee;

25 (vii) The secretary of the Washington state department of  
26 corrections or the secretary's designee;

27 (viii) Two prosecutors appointed by the Washington association of  
28 prosecuting attorneys or designees of the prosecutors;

1 (ix) Two attorneys selected by separate associations of attorneys  
2 whose members have practices that focus on representing criminal  
3 defendants;

4 (x) One police officer and one deputy sheriff selected by a  
5 statewide association of such officers and deputies;

6 (xi) A representative of a statewide association of city  
7 governments, selected by the association;

8 (xii) A representative of a statewide association of counties,  
9 selected by the association;

10 (xiii) A representative employed as an adult corrections officer  
11 selected by a statewide association of such officers;

12 (xiv) A representative from an entity representing corrections  
13 officers at a local county jail in which adult offenders are in custody  
14 and located in any county with a population in excess of one million  
15 persons, selected by the entity;

16 (xv) A representative of a statewide organization concerned  
17 primarily with the protection of individual liberties, selected by the  
18 organization;

19 (xvi) A representative of a statewide association of advocates who  
20 work on behalf of victims and survivors of violent crimes, selected by  
21 the association;

22 (xvii) A representative of the bail bond enforcement industry,  
23 chosen by a statewide association of bail bond enforcement agents;

24 (xviii) A representative of the bail bond industry, chosen by a  
25 statewide association of bail companies;

26 (xix) A representative of a statewide consumer advocacy  
27 organization with at least thirty thousand members, selected by the  
28 organization.

29 (b) The task force shall choose its cochairs from among its  
30 legislative membership. The legislative cochairs shall convene the  
31 initial meeting of the task force.

32 (2) The task force shall review, at a minimum, the following  
33 issues:

34 (a) All aspects of bail, paying particular attention to legislation  
35 affecting bail and pretrial release introduced during the 2010  
36 legislative session;

37 (b) A validated risk assessment tool that measures or predicts the

1 likelihood that an offender will exhibit violent behavior if released  
2 and whether judges should use this tool at bail hearings;

3 (c) Bail practices by county, including the processes used to seek  
4 and grant bail as well as the standards by which bail is granted;

5 (d) Whether, or to what extent, uniformity of bail practices should  
6 be required by state law;

7 (e) The characteristics of the federal system;

8 (f) The benefits of competitive freedom of government regulation in  
9 the pricing of bail bonds;

10 (g) The interests of crime victims in being notified of a person's  
11 release on bail;

12 (h) The interests of counties and cities that maintain municipal  
13 courts;

14 (i) Legal and constitutional constraints in granting or denying  
15 bail;

16 (j) Whether the existing regulatory, judicial, or statutory  
17 constraints on bail should be revised; and

18 (k) The pretrial release system.

19 (3) The task force shall request that the Washington state  
20 institute for public policy conduct research to better inform the task  
21 force on issues, such as: (a) The percentage of people who are  
22 released on bail and reoffend while released on bail; (b) the  
23 likelihood that the offense for which bail was granted is statistically  
24 or causally related to additional offenses that are committed; and (c)  
25 the effect that race or economic status of a person seeking bail has on  
26 the likelihood of being granted bail.

27 (4) Staff support for the task force must be provided by senate  
28 committee services and the house of representatives office of program  
29 research.

30 (5) Travel and other membership expenses for legislative members  
31 must not be reimbursed. Nonlegislative members must seek reimbursement  
32 for travel and other membership expenses through their respective  
33 agencies or organizations.

34 (6) The task force shall hold meetings in state or local government  
35 facilities and shall endeavor to accommodate the varied places of  
36 residence among task force members.

37 (7) The task force may organize itself in a manner, and adopt rules

1 of procedure, that it determines are most conducive to the timely  
2 completion of its charge.

3 (8) The task force is subject to chapter 42.30 RCW.

4 (9) The task force shall report its findings and recommendations to  
5 the Washington state supreme court, the governor, and appropriate  
6 committees of the legislature by December 1, 2010.

7 (10) This section expires December 31, 2010."

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8 On page 1, line 1 of the title, after "offenses;" strike the  
9 remainder of the title and insert "creating new sections; and providing  
10 an expiration date."

EFFECT: Establishes a legislative task force on bail. Requires the task force to review all aspects of bail and pretrial release. Provides that there is no reimbursement for legislative members and that nonlegislative members must seek reimbursement through their respective agencies or organizations. Requires the task force to report its findings and recommendations to the Washington state supreme court, the governor, and appropriate committees of the legislature by December 1, 2010. Provides that the task force expires on December 31, 2010.

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