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**SUBSTITUTE SENATE BILL 6673**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Kline, McCaslin, Carrell, Kohl-Welles, Gordon, Regala, Roach, Hargrove, and Tom)

READ FIRST TIME 02/05/10.

1       AN ACT Relating to bail practices and procedures; creating new  
2 sections; and providing an expiration date.

3       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

- 1 (iii) The chief justice of the Washington state supreme court or  
2 the chief justice's designee;
- 3 (iv) A superior court judge appointed by the superior court judges  
4 association;
- 5 (v) A district or municipal court judge appointed by the district  
6 and municipal court judges association;
- 7 (vi) The governor or the governor's designee;
- 8 (vii) The secretary of the Washington state department of  
9 corrections or the secretary's designee;
- 10 (viii) Two prosecutors appointed by the Washington association of  
11 prosecuting attorneys or designees of the prosecutors;
- 12 (ix) Two attorneys selected by separate associations of attorneys  
13 whose members have practices that focus on representing criminal  
14 defendants;
- 15 (x) One police officer and one deputy sheriff selected by a  
16 statewide association of such officers and deputies;
- 17 (xi) A representative of a statewide association of city  
18 governments, selected by the association;
- 19 (xii) A representative of a statewide association of counties,  
20 selected by the association;
- 21 (xiii) A representative employed as an adult corrections officer  
22 selected by a statewide association of such officers;
- 23 (xiv) A representative from an entity representing corrections  
24 officers at a local county jail in which adult offenders are in custody  
25 and located in any county with a population in excess of one million  
26 persons, selected by the entity;
- 27 (xv) A representative of a statewide organization concerned  
28 primarily with the protection of individual liberties, selected by the  
29 organization;
- 30 (xvi) A representative of a statewide association of advocates who  
31 work on behalf of victims and survivors of violent crimes, selected by  
32 the association;
- 33 (xvii) A representative of the bail bond enforcement industry,  
34 chosen by a statewide association of bail bond enforcement agents;
- 35 (xviii) A representative of the bail bond industry, chosen by a  
36 statewide association of bail companies;
- 37 (xix) A representative of a statewide consumer advocacy

1 organization with at least thirty thousand members, selected by the  
2 organization.

3 (b) The task force shall choose its cochairs from among its  
4 legislative membership. The legislative cochairs shall convene the  
5 initial meeting of the task force.

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

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

11 (b) A validated risk assessment tool that measures or predicts the  
12 likelihood that an offender will exhibit violent behavior if released  
13 and whether judges should use this tool at bail hearings;

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

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

18 (e) The characteristics of the federal system;

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

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

23 (h) The interests of counties and cities that maintain municipal  
24 courts;

25 (i) Legal and constitutional constraints in granting or denying  
26 bail;

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

29 (k) The pretrial release system.

30 (3) The task force shall request that the Washington state  
31 institute for public policy conduct research to better inform the task  
32 force on issues, such as: (a) The percentage of people who are  
33 released on bail and reoffend while released on bail; (b) the  
34 likelihood that the offense for which bail was granted is statistically  
35 or causally related to additional offenses that are committed; and (c)  
36 the effect that race or economic status of a person seeking bail has on  
37 the likelihood of being granted bail.

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

4 (5) Travel and other membership expenses for legislative members  
5 must not be reimbursed. Nonlegislative members must seek reimbursement  
6 for travel and other membership expenses through their respective  
7 agencies or organizations.

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

11 (7) The task force may organize itself in a manner, and adopt rules  
12 of procedure, that it determines are most conducive to the timely  
13 completion of its charge.

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

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

18 (10) This section expires December 31, 2010.

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