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SENATE BILL 6673

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State of Washington

61st Legislature

2010 Regular Session

By Senators Kline, McCaslin, Carrell, Kohl-Welles, Gordon, Regala, Roach, Hargrove, and Tom

Read first time 01/21/10. Referred to Committee on Judiciary.

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 court judge appointed by the district and municipal  
6 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 of a statewide organization concerned  
24 primarily with the protection of individual liberties, selected by the  
25 organization;

26 (xv) A representative of a statewide association of advocates who  
27 work on behalf of victims and survivors of violent crimes, selected by  
28 the association;

29 (xvi) A representative of the bail bond industry, chosen by a  
30 statewide association of bail companies;

31 (xvii) A representative of a statewide consumer advocacy  
32 organization with at least thirty thousand members, selected by the  
33 organization.

34 (b) The task force shall choose its cochairs from among its  
35 legislative membership. The legislative cochairs shall convene the  
36 initial meeting of the task force.

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

1 (a) A validated risk assessment tool that measures or predicts the  
2 likelihood that an offender will exhibit violent behavior if released  
3 and whether judges should use this tool at bail hearings;

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

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

8 (d) The characteristics of the federal system;

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

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

13 (g) The interests of counties and cities that maintain municipal  
14 courts;

15 (h) Legal and constitutional constraints in granting or denying  
16 bail;

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

19 (j) The pretrial release system.

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

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

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

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

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

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

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

8           (10) This section expires July 1, 2012.

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