
**Public Safety & Emergency Preparedness
Committee**

HB 1194

Brief Description: Continuing to determine bail for the release of a person arrested and detained for a felony offense on an individualized basis by a judicial officer.

Sponsors: Representatives Kelley and Ladenburg.

Brief Summary of Bill

- Requires that bail for felonies continue to be determined on an individualized basis by a judicial officer.

Hearing Date: 1/25/11

Staff: Alexa Silver (786-7190).

Background:

Bail may be granted by a judge at the defendant's preliminary appearance, or it may be granted according to a bail schedule. A bail determination must be made as soon as practicable after detention begins, but in no case later than the close of business the next judicial day. When probable cause and bail are determined at the same time, the determination must be made within 48 hours of arrest.

The Washington Supreme Court has held that whether to promulgate a bail schedule is a question best left to the counties. In counties that have a bail schedule, a defendant may post bail without a judicial officer's determination. Most counties have a bail schedule for misdemeanors, and prior to January 1, 2011, seven counties had a bail schedule for felonies. The availability and amount of bail for the particular offense are specified in the bail schedule.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

House Bill 2625, which was enacted during the 2010 legislative session, required that a judicial officer make a bail determination on an individualized basis for a person arrested and detained for a felony. This requirement went into effect January 1, 2011 and will expire August 1, 2011.

Summary of Bill:

When a person is arrested and detained for a felony, a judicial officer must make a bail determination on an individualized basis.

Appropriation: None.

Fiscal Note: Requested on January 19, 2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.