

FINAL BILL REPORT

SHB 1194

C 6 L 12

Synopsis as Enacted

Brief Description: Concerning bail for the release of a person arrested and detained for a class A or B felony offense.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Kelley and Ladenburg).

House Committee on Public Safety & Emergency Preparedness
Senate Committee on Judiciary

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. The availability and amount of bail for the particular offense are specified in the bail schedule. Most counties have a bail schedule for misdemeanors, and prior to January 1, 2011, seven counties had a bail schedule for felonies.

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 expired August 1, 2011.

Summary:

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

Votes on Final Passage:

House 96 0

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.

Senate 48 0

Effective: June 7, 2012