
Public Safety Committee

HB 1171

Brief Description: Prohibiting the release of defendants charged with a sex or violent offense without the payment of bail pending trial.

Sponsors: Representatives Hurst, Dahlquist, Haler and Parker.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits release of an individual pending trial for a sex or violent offense without the payment of bail.
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Hearing Date: 1/22/14

Staff: Sarah Koster (786-7303).

Background:

Pretrial release is the release of the accused from detention pending trial. The state Constitution guarantees the right to bail for people except for capital offenses or offenses punishable by the possibility of life in prison. This right has been interpreted as the right to a judicial determination of either release or reasonable bail. For capital offenses, there is no right to bail when there is evident proof or a strong presumption of the accused's guilt. For noncapital offenses which are punishable by the possibility of life in prison, bail may be denied upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any person, subject to limitations as determined by the Legislature.

Offenses which are punishable by the possibility of life in prison are class A felonies, third strike offenses for persistent offenders, and second strike offenses for persistent sex offenders.

Except as described in the Constitution, a judicial officer has discretion to release a person pending trial upon the payment of bail by surety in an amount fixed by a judicial officer or on

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personal recognizance, with or without certain additional conditions. Such conditions can include, but are not limited to:

- placing the defendant in the custody of a designated organization agreeing to supervise the defendant;
- restricting defendant's range of travel, association, or communication with specific persons;
- mandating a specific curfew;
- imposing electronic monitoring; and
- prohibiting alcohol or drug use or possession of a dangerous weapon or firearm.

When a court releases a person charged with a violent offense on the person's personal recognizance or personal recognizance with conditions, the court is required to state on the record the reasons why the court did not require the defendant to post bail.

Summary of Bill:

A person facing charges for a sex or violent offense may only be released pending trial if bail is paid.

Appropriation: None.

Fiscal Note: Available.

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