

FINAL BILL REPORT

SHB 1171

C 24 L 14
Synopsis as Enacted

Brief Description: Clarifying pretrial release programs.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Hurst, Dahlquist, Haler and Parker).

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

Pretrial release is the release of the accused from detention pending trial. The state Constitution guarantees the right to bail for people except if charged with a capital offense or an offense 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 that 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 that 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 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.

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.

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:

A pretrial release program is any program, public or private, that supervises an offender released from custody prior to trial. In this definition, supervision can refer to any of a range of programs including, but not limited to, work release, day monitoring, or electronic monitoring.

A pretrial release program may not agree to supervise, or accept into its custody, an offender who is currently awaiting trial for a violent offense or sex offense, and who has been convicted of one or more violent offenses or sex offenses in the 10 years before the date of the current offense, unless the offender's release before trial was secured with payment of bail.

Pretrial release programs are included in the statutory description of appropriate conditions of pretrial release that a judge may impose on a person.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 12, 2014