

SENATE BILL REPORT

SHB 1171

As Reported by Senate Committee On:
Law & Justice, February 28, 2014

Title: An act relating to pretrial release programs.

Brief Description: Clarifying pretrial release programs.

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

Brief History: Passed House: 2/17/14, 97-0.

Committee Activity: Law & Justice: 2/24/14, 2/28/14 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Darneille, Pearson, Pedersen and Roach.

Staff: Tim Ford (786-7423)

Background: Pretrial release is the release of the accused from detention pending trial. The state Constitution guarantees the right to bail for the accused except if charged with a capital offense or an offense punishable by the possibility of life in prison. 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.

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 the following:

- placing the defendant in the custody of a designated organization agreeing to supervise the defendant;
- restricting the defendant's range of travel, association, or communication with specific persons;

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- 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 must state on the record the reasons why the court did not require the defendant to post bail.

Summary of Bill: A pretrial release program is any program, public or private, which 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 violence offenses or sex offenses in the ten years before the date of the current offense, unless the offender's release before trial was secured with payment of bail.

The existing description of an appropriate condition of supervision which may imposed by a judge is changed to read "the defendant may be placed in the custody of a pretrial release program."

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The King County Corrections Guild supports pretrial release into community-based programs. However, when serious violent offenders are released into the community, there is a risk to the safety of the community. A robber was released pending trial only to rob again. Requiring bail provides protection for the community, like belts and suspenders.

Persons Testifying: PRO: Chris Vance, King County Corrections Guild.