

SENATE BILL REPORT

SB 6556

As Reported by Senate Committee On:
Law & Justice, February 3, 2016

Title: An act relating to authorizing the use of surety treatment bonds.

Brief Description: Concerning the use of surety treatment bonds.

Sponsors: Senators Padden and Miloscia.

Brief History:

Committee Activity: Law & Justice: 2/02/16, 2/03/16 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

Minority Report: Do not pass.

Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Staff: Tim Ford (786-7423)

Background: The Legislature has authorized local jurisdictions to create specialty courts or therapeutic courts for a variety of purposes since the 1990s. Therapeutic courts are an alternative to the traditional criminal and civil court trial track. Therapeutic courts use programs to focus on the specific individual's needs, providing treatment for the issues presented, and ensuring rapid and appropriate accountability for program violations through continuous and intense judicially supervised treatment and the appropriate use of services, sanctions, and incentives. Therapeutic courts may decrease recidivism, improve the safety of the community, and improve the life of the program participant and the lives of the participant's family members by decreasing the severity and frequency of the specific behavior addressed by the therapeutic court.

Therapeutic courts include, but are not limited to, adult and juvenile drug court; family dependency treatment court; mental health court; DUI court; veterans' treatment court; domestic violence court; truancy court; gambling court; community court; homeless court; and treatment, responsibility, and accountability on campus (Back on TRAC) court. The Department of Social and Health Services and other social service entities collaborate with

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therapeutic courts to provide treatment, counseling, and other services for more successful outcomes.

Bail is the temporary release of an accused person awaiting trial. Bail may be made based on payment of a sum of money, or upon payment of a bond. A "bail bond agency" is a business that sells and issues corporate surety bail bonds to ensure the appearance of a criminal defendant before the courts of this state or the United States. Bail bond agencies are licensed and regulated by the state.

Summary of Bill: A specialty or therapeutic court may require a surety treatment bond to ensure the participation of a juvenile or adult offender in a treatment program that addresses the offender's particular needs.

A "treatment bond" is a corporate surety treatment bond or security in the form of personal or real property to ensure the participation of a juvenile or adult offender in a treatment program ordered by a specialty or therapeutic court.

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 bond premium charged to a defendant is between 8-10 percent of the bail amount set by the judge. The surety bond rate is set by the Office of Insurance Commissioner. It is non-refundable and can be collateralized with a car or property. We expect that a therapeutic bond may be much less than bonds for defendants required to appear for criminal courts. These therapeutic bonds are not enacted anywhere else in the nation.

CON: This bill creates a problem that does not need to exist. It creates a pay to play system. For therapeutic treatment to work best the defendant should show up on his or her own free will, and not because of a bond. If the only reason they are showing to treatment is due to a bond, then it is counterproductive.

Persons Testifying: PRO: Senator Padden, prime sponsor; Dylan Doty, WA Bail Bond Coalition; Holly Chisa, Aladdin Bail Bonds.

CON: Larry Jefferson, WA Assoc. of Criminal Defense Lawyers & WA Defenders Assoc.

Persons Signed In To Testify But Not Testifying: No one.