

ESHB 2231 - S COMM AMD

By Committee on Law & Justice

ADOPTED AND ENGROSSED 3/4/20

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.76.170 and 2001 c 264 s 3 are each amended to
4 read as follows:

5 (1) (~~Any person having been~~) A person is guilty of bail jumping
6 if he or she:

7 (a) Is released by court order or admitted to bail ((with
8 knowledge)), has received written notice of the requirement of a
9 subsequent personal appearance for trial before any court of this
10 state, and fails to appear for trial as required; or

11 (b) (i) Is held for, charged with, or convicted of a violent
12 offense or sex offense, as those terms are defined in RCW 9.94A.030,
13 is released by court order or admitted to bail, has received written
14 notice of the requirement of a subsequent personal appearance before
15 any court of this state or of the requirement to report to a
16 correctional facility for service of sentence, and ((~~who~~)) fails to
17 appear or ((~~who~~)) fails to surrender for service of sentence as
18 required ((~~is guilty of bail jumping~~)); and

19 (ii) (A) Within thirty days of the issuance of a warrant for
20 failure to appear or surrender, does not make a motion with the court
21 to quash the warrant, and if a motion is made under this subsection,
22 he or she does not appear before the court with respect to the
23 motion; or

24 (B) Has had a prior warrant issued based on a prior incident of
25 failure to appear or surrender for the present cause for which he or
26 she is being held or charged or has been convicted.

27 (2) It is an affirmative defense to a prosecution under this
28 section that uncontrollable circumstances prevented the person from
29 appearing or surrendering, and that the person did not contribute to
30 the creation of such circumstances (~~in reckless disregard of~~) by
31 negligently disregarding the requirement to appear or surrender, and

1 that the person appeared or surrendered as soon as such circumstances
2 ceased to exist.

3 (3) Bail jumping is:

4 (a) A class A felony if the person was held for, charged with, or
5 convicted of murder in the first degree;

6 (b) A class B felony if the person was held for, charged with, or
7 convicted of a class A felony other than murder in the first degree;

8 (c) A class C felony if the person was held for, charged with, or
9 convicted of a class B or class C felony; or

10 (d) A misdemeanor if the person was held for, charged with, or
11 convicted of a gross misdemeanor or misdemeanor.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.76
13 RCW to read as follows:

14 (1)(a) A person is guilty of failure to appear or surrender if he
15 or she is released by court order or admitted to bail, has received
16 written notice of the requirement of a subsequent personal appearance
17 before any court of this state or of the requirement to report to a
18 correctional facility for service of sentence, and fails to appear or
19 fails to surrender for service of sentence as required; and

20 (b)(i) Within thirty days of the issuance of a warrant for
21 failure to appear or surrender, does not make a motion with the court
22 to quash the warrant, and if a motion is made under this subsection,
23 he or she does not appear before the court with respect to the
24 motion; or

25 (ii) Has had a prior warrant issued based on a prior incident of
26 failure to appear or surrender for the present cause for which he or
27 she is being held or charged or has been convicted.

28 (2) It is an affirmative defense to a prosecution under this
29 section that uncontrollable circumstances prevented the person from
30 appearing or surrendering, that the person did not contribute to the
31 creation of such circumstances by negligently disregarding the
32 requirement to appear or surrender, and that the person appeared or
33 surrendered as soon as such circumstances ceased to exist.

34 (3) Failure to appear or surrender is:

35 (a) A gross misdemeanor if the person was held for, charged with,
36 or convicted of a felony; or

37 (b) A misdemeanor if the person was held for, charged with, or
38 convicted of a gross misdemeanor or misdemeanor."

ADOPTED 3/4/20

1 On page 1, line 1 of the title, after "jumping;" strike the
2 remainder of the title and insert "amending RCW 9A.76.170; adding a
3 new section to chapter 9A.76 RCW; and prescribing penalties."

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