

**ESHB 2231** - S COMM AMD

By Committee on Law & Justice

**ADOPTED AS AMENDED 03/04/2020**

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 person is guilty of failure to appear or surrender if he or  
15 she:

16 (a) Is released by court order or admitted to bail;

17 (b) Has received written notice of the requirement of a  
18 subsequent personal appearance before any court of this state, or of  
19 the requirement to report to a correctional facility for service of  
20 sentence; and

21 (c) Fails to appear or fails to surrender for service of sentence  
22 as required.

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

29 (3) Failure to appear or surrender is:

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

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

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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."

EFFECT: Provides that the crime of bail jumping applies to any person who fails to appear for trial, regardless of the type of offense for which the person is held, charged, or convicted. Reorganizes subsections.

--- **END** ---