
Public Safety Committee

HB 2231

Brief Description: Concerning bail jumping.

Sponsors: Representatives Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon and Thai.

Brief Summary of Bill

- Modifies the crime of Bail Jumping by requiring proof that a defendant received written notice of the requirement to appear or surrender, rather than requiring proof that the defendant had knowledge of the requirement to appear or surrender.
- Reclassifies felony Bail Jumping as a gross misdemeanor offense.

Hearing Date: 1/14/20

Staff: Kelly Leonard (786-7147).

Background:

Bail Jumping. A person commits the crime of Bail Jumping if he or she fails to appear in court or surrender to serve a sentence after he or she was released by a court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court or the requirement to report to a correctional facility to serve a sentence.

It is an affirmative defense to Bail Jumping that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

Bail Jumping is classified as follows:

- class A felony and seriousness level VI offense if the person was held for, charged with, or convicted of Murder in the first degree;

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.

- class B felony and serious level V offense if the person was held for, charged with, or convicted of a class A felony other than Murder in the first degree;
- class C felony and seriousness level III offense if the person was held for, charged with, or convicted of a class B or class C felony; or
- a misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

Classification of Crimes and Fines. Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement (prison or jail) and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act applies and determines a specific range of confinement within the statutory maximum. Ranges are determined by a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI, and offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence.

Summary of Bill:

The crime of Bail Jumping is modified. A person commits the offense if he or she failed to appear or failed to surrender after receiving written notice of the related requirement, rather than when he or she had knowledge of the related requirement.

The tiered felony and seriousness level classifications for Bail Jumping are removed. Instead, Bail Jumping is a gross misdemeanor offense if the person was held for, charged with, or convicted of any felony. The offense remains a misdemeanor if the person was held for, charged with, or convicted of any gross misdemeanor or misdemeanor.

Appropriation: None.

Fiscal Note: Requested on January 10, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.