

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2231**

66th Legislature  
2020 Regular Session

Passed by the House March 7, 2020  
Yeas 53 Nays 44

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**Speaker of the House of  
Representatives**

Passed by the Senate March 4, 2020  
Yeas 26 Nays 20

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2231** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 2231**

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AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

**State of Washington                      66th Legislature                      2020 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson, and Riccelli)

READ FIRST TIME 02/05/20.

1            AN ACT Relating to bail jumping; amending RCW 9A.76.170; adding a  
2 new section to chapter 9A.76 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

20            (ii)(A) Within thirty days of the issuance of a warrant for  
21 failure to appear or surrender, does not make a motion with the court

1 to quash the warrant, and if a motion is made under this subsection,  
2 he or she does not appear before the court with respect to the  
3 motion; or

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

7 (2) It is an affirmative defense to a prosecution under this  
8 section that uncontrollable circumstances prevented the person from  
9 appearing or surrendering, and that the person did not contribute to  
10 the creation of such circumstances (~~(in reckless disregard of)~~) by  
11 negligently disregarding the requirement to appear or surrender, and  
12 that the person appeared or surrendered as soon as such circumstances  
13 ceased to exist.

14 (3) Bail jumping is:

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

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

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

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

23 NEW SECTION. Sec. 2. A new section is added to chapter 9A.76  
24 RCW to read as follows:

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

31 (b)(i) Within thirty days of the issuance of a warrant for  
32 failure to appear or surrender, does not make a motion with the court  
33 to quash the warrant, and if a motion is made under this subsection,  
34 he or she does not appear before the court with respect to the  
35 motion; or

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

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

7           (3) Failure to appear or surrender is:

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

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

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