
HOUSE BILL 2207

State of Washington

54th Legislature

1996 Regular Session

By Representatives Sterk, Sheahan, L. Thomas, Robertson, Honeyford, Stevens, McMahan, Crouse, Buck, Koster, Schoesler, Pennington, Mulliken, D. Sommers, Delvin, D. Schmidt, Carlson, Hickel, Thompson, Costa and Hargrove

Read first time 01/08/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to release of offenders; and amending RCW 9.95.062
2 and 10.64.025.

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

4 **Sec. 1.** RCW 9.95.062 and 1989 c 276 s 1 are each amended to read
5 as follows:

6 (1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in
7 a criminal action shall not stay the execution of the judgment of
8 conviction, if the court determines by a preponderance of the evidence
9 that:

10 (a) The defendant is likely to flee or to pose a danger to the
11 safety of any other person or the community if the judgment is stayed;
12 or

13 (b) The delay resulting from the stay will unduly diminish the
14 deterrent effect of the punishment; or

15 (c) A stay of the judgment will cause unreasonable trauma to the
16 victims of the crime or their families; or

17 (d) The defendant has not undertaken to the extent of the
18 defendant's financial ability to pay the financial obligations under

1 the judgment or has not posted an adequate performance bond to assure
2 payment.

3 (2) An appeal by a defendant convicted of one of the following
4 offenses shall not stay execution of the judgment of conviction: Rape
5 in the first or second degree (RCW 9A.44.040 and 9A.44.050); rape of a
6 child in the first, second, or third degree (RCW 9A.44.073, 9A.44.076,
7 and 9A.44.079); child molestation in the first, second, or third degree
8 (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a
9 minor in the first or second degree (RCW 9A.44.093 and 9A.44.096);
10 indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring (RCW
11 9A.40.090); any class A or B felony that is a sexually motivated
12 offense as defined in RCW 9.94A.030; a felony violation of RCW
13 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a criminal
14 attempt, solicitation, or conspiracy to commit one of those offenses.

15 (3) In case the defendant has been convicted of a felony, and has
16 been unable to obtain release pending the appeal by posting an appeal
17 bond, cash, adequate security, release on personal recognizance, or any
18 other conditions imposed by the court, the time the defendant has been
19 imprisoned pending the appeal shall be deducted from the term for which
20 the defendant was sentenced, if the judgment is affirmed.

21 **Sec. 2.** RCW 10.64.025 and 1989 c 276 s 2 are each amended to read
22 as follows:

23 (1) A defendant who has been found guilty of a felony and is
24 awaiting sentencing shall be detained unless the court finds by clear
25 and convincing evidence that the defendant is not likely to flee or to
26 pose a danger to the safety of any other person or the community if
27 released. Any bail bond that was posted on behalf of a defendant
28 shall, upon the defendant's conviction, be exonerated.

29 (2) A defendant who has been found guilty of one of the following
30 offenses shall be detained pending sentencing: Rape in the first or
31 second degree (RCW 9A.44.040 and 9A.44.050); rape of a child in the
32 first, second, or third degree (RCW 9A.44.073, 9A.44.076, and
33 9A.44.079); child molestation in the first, second, or third degree
34 (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a
35 minor in the first or second degree (RCW 9A.44.093 and 9A.44.096);
36 indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring (RCW
37 9A.40.090); any class A or B felony that is a sexually motivated
38 offense as defined in RCW 9.94A.030; a felony violation of RCW

1 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a criminal
2 attempt, solicitation, or conspiracy to commit one of those offenses.

--- END ---