

# SENATE BILL REPORT

## ESSB 5089

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As Passed Senate, February 4, 1998

**Title:** An act relating to failure to appear at a court proceeding.

**Brief Description:** Requiring previous bail jumpers to post bail.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Roach, Zarelli, Swecker and Hochstatter).

**Brief History:**

**Committee Activity:** Law & Justice: 1/20/97, 1/27/97 [DPS].

Passed Senate, 3/7/97, 48-0.

Passed Senate, 2/4/98, 49-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

**Staff:** Dick Armstrong (786-7460)

**Background:** Any person charged with a crime other than a capital offense must be released, pending trial, on the person's own recognizance, with or without attached conditions. However, if the court finds that such recognizance will not assure the accused's appearance or will otherwise unlawfully interfere with the administration of justice, the court must deny release without bail.

**Summary of Bill:** A person who has been convicted, and has sentencing pending or has appealed the conviction, may not be released on personal recognizance in a proceeding where the judge is authorized to require posting of bail, if that person has failed to appear as directed by court order on two or more previous occasions.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 1997.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** Court rules now cover risk of flight and dangerousness, so the bill is not necessary. Judges should have discretion to decide. There is a substantial cost to local government. The bill should be narrowed to defined crimes.

**Testified:** Jennifer Shaw, Washington Defender Association (con).