

SENATE BILL REPORT

SB 5094

As Passed Senate, February 9, 1998

Title: An act relating to the release of offenders.

Brief Description: Prescribing procedures for release of offenders.

Sponsors: Senator Roach.

Brief History:

Committee Activity: Human Services & Corrections: 1/29/97, 2/6/97 [DP].

Passed Senate, 3/17/97, 46-0.

Passed Senate, 2/9/98, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Staff: Fara Daun (786-7459)

Background: Current law requires defendants who have been convicted of felony offenses to be detained pending sentencing unless the court finds they do not pose a flight risk or a danger to the safety of any person or the community, and the offense for which they have been convicted is not one of a specific list of felony sex offenses or an offense with a finding of sexual motivation.

Courts are given the discretion under current law to stay the implementation of a judgment and sentence during an appeal from a criminal conviction unless the court finds certain circumstances to exist.

The court may not stay execution of a judgment and sentence pending appeal if a preponderance of the evidence shows any of the following: (a) the defendant is likely to flee or pose a danger to the community; (b) the delay will unduly diminish the deterrent effect of the punishment; (c) the stay will cause unreasonable trauma to the victims of the crime or their families; (d) the defendant has not made sufficient efforts to pay financial obligations under the judgment; or (d) the crime is one of a specific list of felony sex offenses or offenses with a finding of sexual motivation.

Releases pending sentencing or appeal may be conditioned on the posting of an appeal bond, cash, or other security, or a defendant may be released on his or her personal recognizance.

Summary of Bill: When deciding whether an offender should be detained after conviction pending sentencing, the court must consider whether the release will cause unreasonable

trauma to the victims of the crime or their families, in addition to considering the offender's risk to flee or whether the offender poses a danger to the community.

The court is required to state its reasons on the record if it stays execution of a judgment and sentence pending appeal without requiring a defendant to post an appeal bond, cash, or other security.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: None.

Testimony Against: None.

Testified: No one.

House Amendment(s): The House amendment adds three provisions.

(1) It changes the timing of the exoneration of a bond from conviction to an offender's remand to custody. (2) It adds a study of sex offenders who live within one mile of a school or day care, what schools or day cares are affected, where the offenders live, and the crime(s) for which they were convicted. The study is to be completed within existing departmental funds. (3) It adds a study of the potential costs and benefits of posting sex offender information on the Internet. The study must include at a minimum what other states post sex offender information on the Internet, the information posted, the costs, and the postings' effectiveness in keeping the public informed. The study must also examine the costs and time requirements to implement a similar posting in Washington. The study must be completed within existing department funds.

Both studies must be completed by December 31, 1998.