

---

HOUSE BILL 2679

---

State of Washington

65th Legislature

2018 Regular Session

By Representative Klippert

Read first time 01/12/18. Referred to Committee on Public Safety.

1 AN ACT Relating to pretrial release programs to protect the  
2 public from harm; amending RCW 10.21.015, 10.21.017, 10.21.030, and  
3 10.21.050; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that bail and other  
6 pretrial release programs seek to alleviate the harsh consequences of  
7 pretrial detention. While the primary function of bail is to ensure  
8 an accused's appearance in court, courts are allowed to pursue other  
9 compelling interests through regulation of pretrial release. The  
10 legislature further finds that public safety is one such compelling  
11 interest and additional measures need to be taken to identify  
12 restrictions necessary to protect the public from harm through  
13 appropriate sanctions and compliance with court ordered restrictions.  
14 The legislature further intends to require an individualized  
15 determination by a judicial officer of conditions of release for  
16 persons in custody. This requirement is consistent with  
17 constitutional requirements and court rules regarding the right of a  
18 detained person to a prompt determination of probable cause and  
19 judicial review of the conditions of release.

1       **Sec. 2.** RCW 10.21.015 and 2015 2nd sp.s. c 3 s 20 are each  
2 amended to read as follows:

3       (1) Under this chapter, "pretrial release program" is any program  
4 in superior, district, or municipal court, either run directly by a  
5 county or city, or by a private or public entity through contract  
6 with a county or city, into whose custody an offender is released  
7 prior to trial and which agrees to supervise the offender. As used in  
8 this section, "supervision" includes, but is not limited to, work  
9 release, day monitoring, electronic monitoring, or participation in a  
10 24/7 sobriety program.

11       (2) A pretrial release program may not agree to supervise, or  
12 accept into its custody, an offender who is currently awaiting trial  
13 for a violent offense or sex offense, as defined in RCW 9.94A.030,  
14 who has been convicted of one or more violent offenses or sex  
15 offenses in the ten years before the date of the current offense,  
16 unless the offender's release before trial was secured with a payment  
17 of bail.

18       **Sec. 3.** RCW 10.21.017 and 2015 c 287 s 6 are each amended to  
19 read as follows:

20       Under this chapter where a person charged with a felony offense  
21 is ordered to enter a program of home detention, "home detention"  
22 means any program meeting the definition of home detention in RCW  
23 9.94A.030, and complying with the requirements of RCW 9.94A.736.

24       **Sec. 4.** RCW 10.21.030 and 2015 c 287 s 5 are each amended to  
25 read as follows:

26       (1) The judicial officer in any felony, misdemeanor, or gross  
27 misdemeanor case may at any time amend the order to impose additional  
28 or different conditions of release. The conditions imposed under this  
29 chapter supplement but do not supplant provisions of law allowing the  
30 imposition of conditions to:

31       (a) Assure the appearance of the defendant at trial;

32       (b) Protect the public from harm; or ((~~to~~))

33       (c) Prevent interference with the administration of justice.

34       (2) Appropriate conditions of release under this chapter include,  
35 but are not limited to, the following:

36       (a) The defendant may be placed in the custody of a pretrial  
37 release program;

1 (b) The defendant may have restrictions placed upon travel,  
2 association, or place of abode during the period of release;

3 (c) The defendant may be required to comply with a specified  
4 curfew;

5 (d) The defendant may be required to return to custody during  
6 specified hours or to be placed on electronic monitoring, as defined  
7 in RCW 9.94A.030, if available. The defendant, if convicted, may not  
8 have the period of incarceration reduced by the number of days spent  
9 on electronic monitoring;

10 (e) The defendant may be required to comply with a program of  
11 home detention(~~(, as)~~). For a felony offense, home detention is  
12 defined in RCW 9.94A.030;

13 (f) The defendant may be prohibited from approaching or  
14 communicating in any manner with particular persons or classes of  
15 persons;

16 (g) The defendant may be prohibited from going to certain  
17 geographical areas or premises;

18 (h) The defendant may be prohibited from possessing any dangerous  
19 weapons or firearms;

20 (i) The defendant may be prohibited from possessing or consuming  
21 any intoxicating liquors or drugs not prescribed to the defendant.  
22 The defendant may be required to submit to testing to determine the  
23 defendant's compliance with this condition;

24 (j) The defendant may be prohibited from operating a motor  
25 vehicle that is not equipped with an ignition interlock device;

26 (k) The defendant may be required to report regularly to and  
27 remain under the supervision of an officer of the court or other  
28 person or agency; and

29 (l) The defendant may be prohibited from committing any  
30 violations of criminal law.

31 **Sec. 5.** RCW 10.21.050 and 2010 c 254 s 7 are each amended to  
32 read as follows:

33 The judicial officer in any felony, misdemeanor, or gross  
34 misdemeanor case must, in determining whether there are conditions of  
35 release that will reasonably assure the safety of any other person  
36 and the community, take into account the available information  
37 concerning:

38 (1) The nature and circumstances of the offense charged,  
39 including whether the offense is a crime of violence;

1           (2) The weight of the evidence against the defendant; and  
2           (3) The history and characteristics of the defendant, including:  
3           (a) The person's character, physical and mental condition, family  
4 ties, employment, financial resources, length of residence in the  
5 community, community ties, past conduct, history relating to drug or  
6 alcohol abuse, criminal history, and record concerning appearance at  
7 court proceedings;  
8           (b) Whether, at the time of the current offense or arrest, the  
9 defendant was on community supervision, probation, parole, or on  
10 other release pending trial, sentencing, appeal, or completion of  
11 sentence for an offense under federal, state, or local law; and  
12           (c) The nature and seriousness of the danger to any person or the  
13 community that would be posed by the defendant's release.

--- END ---