
SENATE BILL 5987

State of Washington

65th Legislature

2018 Regular Session

By Senator Padden

Prefiled 12/04/17.

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.

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