

FINAL BILL REPORT

ESHB 2231

C 19 L 20
Synopsis as Enacted

Brief Description: Concerning bail jumping.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson and Riccelli).

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

Bail Jumping. A person commits the crime of Bail Jumping if he or she fails to appear in court or surrender to serve a sentence after being released by a court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court or the requirement to report to a correctional facility to serve a sentence.

It is an affirmative defense to Bail Jumping that uncontrollable circumstances prevented the person from appearing or surrendering, that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

Bail Jumping is classified as follows:

- class A felony and seriousness level VI offense if the person was held for, charged with, or convicted of Murder in the first degree;
- class B felony and serious level V offense if the person was held for, charged with, or convicted of a class A felony other than Murder in the first degree;
- class C felony and seriousness level III offense if the person was held for, charged with, or convicted of a class B or class C felony; or
- a misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

Classification of Crimes and Fines. Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement (prison or jail) or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

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<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act applies and determines a specific range of confinement within the statutory maximum. Ranges are determined by a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI, and offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence.

Summary:

Bail Jumping. The crime of Bail Jumping is narrowed to apply to a person who either fails to appear for trial or is held for, charged with, or convicted of a violent or sex offense and fails to meet other requirements. Specifically, Bail Jumping applies if a person is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance for trial before any court of this state, and fails to appear for trial as required. Bail Jumping also applies if a person is held for, charged with, or convicted of a violent offense or sex offense, is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and fails to appear or fails to surrender for service of sentence as required, and either of the following apply:

- within 30 days of the issuance of a warrant for failure to appear or surrender, the person did not make a motion with the court to quash the warrant, and if a motion is made, the person did not appear before the court with respect to the motion; or
- the person had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

The affirmative defense for Bail Jumping is modified by providing that the person may not have negligently disregarded the requirement to appear or surrender, rather than recklessly disregarded it.

Failure to Appear or Surrender. The new crime of Failure to Appear or Surrender, a lesser included offense of Bail Jumping, is created. The crime applies generally, regardless of the nature of the underlying offense for which the person is held, charged, or convicted. A person is guilty of the crime if he or she is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to a correctional facility for service of

sentence; fails to appear or fails to surrender for service of sentence as required, and either of the following apply:

- within 30 days of the issuance of a warrant for failure to appear or surrender, the person did not make a motion with the court to quash it, and if a motion to quash was made, the person did not appear before the court with respect to the motion; or
- the person had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

It is an affirmative defense to Failure to Appear or Surrender that uncontrollable circumstances prevented the person from appearing or surrendering, that the person did not contribute to the creation of such circumstances by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

The offense is a gross misdemeanor if the person was held for, charged with, or convicted of a felony, or a misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

Votes on Final Passage:

House	54	42	
Senate	26	20	(Senate amended)
House	53	44	(House concurred)

Effective: June 11, 2020