

---

ENGROSSED SUBSTITUTE HOUSE BILL 2231

---

State of Washington

66th Legislature

2020 Regular Session

**By** House Public Safety (originally sponsored by Representatives Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson, and Riccelli)

READ FIRST TIME 02/05/20.

1 AN ACT Relating to bail jumping; amending RCW 9A.76.170; adding a  
2 new section to chapter 9A.76 RCW; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.76.170 and 2001 c 264 s 3 are each amended to  
5 read as follows:

6 (1) (~~Any person having been~~) A person is guilty of bail jumping  
7 if he or she:

8 (a) Is held for, charged with, or convicted of a violent offense  
9 or sex offense, as those terms are defined in RCW 9.94A.030;

10 (b) Is released by court order or admitted to bail ((with  
11 knowledge));

12 (c) Has received written notice of the requirement of a  
13 subsequent personal appearance before any court of this state, or of  
14 the requirement to report to a correctional facility for service of  
15 sentence(, ~~and who fails~~);

16 (d) Fails to appear or ((who)) fails to surrender for service of  
17 sentence as required ((is guilty of bail jumping)); and

18 (e)(i) The appearance for which the person was required and  
19 failed to appear was a trial;

20 (ii) Within thirty days of the issuance of a warrant for failure  
21 to appear or surrender, does not make a motion with the court to

1 quash the warrant, and if a motion is made under this subsection, he  
2 or she does not appear before the court with respect to the motion;  
3 or

4 (iii) Has had a prior warrant issued based on a prior incident of  
5 failure to appear or surrender for the present cause for which he or  
6 she is being held or charged or has been convicted.

7 (2) It is an affirmative defense to a prosecution under this  
8 section that uncontrollable circumstances prevented the person from  
9 appearing or surrendering, and that the person did not contribute to  
10 the creation of such circumstances (~~(in reckless disregard of)~~) by  
11 negligently disregarding the requirement to appear or surrender, and  
12 that the person appeared or surrendered as soon as such circumstances  
13 ceased to exist.

14 (3) Bail jumping is:

15 (a) A class A felony if the person was held for, charged with, or  
16 convicted of murder in the first degree;

17 (b) A class B felony if the person was held for, charged with, or  
18 convicted of a class A felony other than murder in the first degree;  
19 or

20 (c) A class C felony if the person was held for, charged with, or  
21 convicted of a class B or class C felony(~~(~~

22 ~~(d) A misdemeanor if the person was held for, charged with, or~~  
23 ~~convicted of a gross misdemeanor or misdemeanor)~~).

24 NEW SECTION. Sec. 2. A new section is added to chapter 9A.76  
25 RCW to read as follows:

26 (1) A person is guilty of failure to appear or surrender if he or  
27 she:

28 (a) Is released by court order or admitted to bail;

29 (b) Has received written notice of the requirement of a  
30 subsequent personal appearance before any court of this state, or of  
31 the requirement to report to a correctional facility for service of  
32 sentence; and

33 (c) Fails to appear or fails to surrender for service of sentence  
34 as required.

35 (2) It is an affirmative defense to a prosecution under this  
36 section that uncontrollable circumstances prevented the person from  
37 appearing or surrendering, that the person did not contribute to the  
38 creation of such circumstances by negligently disregarding the

1 requirement to appear or surrender, and that the person appeared or  
2 surrendered as soon as such circumstances ceased to exist.

3 (3) Failure to appear or surrender is:

4 (a) A gross misdemeanor if the person was held for, charged with,  
5 or convicted of a felony; or

6 (b) A misdemeanor if the person was held for, charged with, or  
7 convicted of a gross misdemeanor or misdemeanor.

--- END ---