

FINAL BILL REPORT

HB 1712

C 181 L 96

Synopsis as Enacted

Brief Description: Prescribing procedures for pretrial release.

Sponsors: Representatives Lambert, Cooke, Padden, Crouse, Hargrove and Elliot.

House Committee on Law & Justice

Senate Committee on Law & Justice

Background: When a person is arrested or charged with a crime, the court determines whether to release the defendant on his or her personal recognizance, impose conditions of release, require the defendant to be supervised by a county pretrial release agency, or post bail. The Washington Constitution, Article 1, Section 20, provides that a person charged with a crime must be bailable by sufficient sureties except in capital cases.

Washington courts have held that the purpose of pretrial bail, in recognition of the presumption of innocence, is to (1) secure the defendant's presence before court at a designated time, and (2) relieve the defendant from imprisonment prior to trial.

The courts have held that the decision whether to set bail or to release an accused is a judicial function.

Superior Court Criminal Rule 3.2 provides the grounds for release and the types of pretrial release. The rule provides that an accused should be released pending trial on personal recognizance unless the court determines that the accused will not appear as required, or is likely to commit a violent crime, intimidate witnesses, or interfere with the administration of justice. The court must evaluate a number of factors when determining whether to release an accused on personal recognizance.

Summary: A court that releases a defendant arrested for a violent offense on the defendant's personal recognizance or on personal recognizance with conditions must state on the record the reasons why the court did not require the defendant to post bail.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 6, 1996