
HOUSE BILL 1792

State of Washington

54th Legislature

1995 Regular Session

By Representatives Padden, Carrell, Beeksma, McMahan, Costa, Stevens, Blanton and Thompson

Read first time 02/08/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to the release of offenders; and amending RCW
2 9.95.062 and 10.64.025.

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

4 **Sec. 1.** RCW 9.95.062 and 1989 c 276 s 1 are each amended to read
5 as follows:

6 (1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in
7 a criminal action shall not stay the execution of the judgment of
8 conviction, if the court determines by a preponderance of the evidence
9 that:

10 (a) The defendant is likely to flee or to pose a danger to the
11 safety of any other person or the community if the judgment is stayed;
12 or

13 (b) The delay resulting from the stay will unduly diminish the
14 deterrent effect of the punishment; or

15 (c) A stay of the judgment will cause unreasonable trauma to the
16 victims of the crime or their families; or

17 (d) The defendant has not undertaken to the extent of the
18 defendant's financial ability to pay the financial obligations under

1 the judgment or has not posted an adequate performance bond to assure
2 payment.

3 (2) In case the defendant has been convicted of a felony, and has
4 been unable to obtain release pending the appeal by posting an appeal
5 bond, cash, adequate security, release on personal recognizance, or any
6 other conditions imposed by the court, the time the defendant has been
7 imprisoned pending the appeal shall be deducted from the term for which
8 the defendant was sentenced, if the judgment is affirmed.

9 (3) If the court stays execution of the judgment and does not
10 require the defendant to post an appeal bond, cash, or other security,
11 the court shall state its reasons for that decision on the record.

12 **Sec. 2.** RCW 10.64.025 and 1989 c 276 s 2 are each amended to read
13 as follows:

14 A defendant who has been found guilty of a felony and is awaiting
15 sentencing shall be detained unless the court finds by clear and
16 convincing evidence that the defendant is not likely to flee or to pose
17 a danger to the safety of any other person or the community if released
18 or the defendant's release will not cause unreasonable trauma to the
19 victims of the crime or their families. Any bail bond that was posted
20 on behalf of a defendant shall, upon the defendant's conviction, be
21 exonerated. If the court releases the defendant and does not require
22 the defendant to post a bond, cash, or other security, the court shall
23 state its reasons for that decision on the record.

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