**2231-S.E AMS ENGR S7117.E - NOT FOR FLOOR USE**

**ESHB 2231** - S COMM AMD

By Committee on Law & Justice

**ADOPTED AND ENGROSSED 3/4/20**

Strike everything after the enacting clause and insert the following:

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

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

(a) Is released by court order or admitted to bail ((~~with knowledge~~)), 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; or

(b)(i) Is held for, charged with, or convicted of a violent offense or sex offense, as those terms are defined in RCW 9.94A.030, 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 ((~~who~~)) fails to appear or ((~~who~~)) fails to surrender for service of sentence as required ((~~is guilty of bail jumping~~)); and

(ii)(A) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(B) Has 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.

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

(3) Bail jumping is:

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

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

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

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

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

(1)(a) A person is guilty of failure to appear or surrender 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, and fails to appear or fails to surrender for service of sentence as required; and

(b)(i) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(ii) Has 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.

(2) It is an affirmative defense to a prosecution under this section 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.

(3) Failure to appear or surrender is:

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

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

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**ADOPTED 3/4/20**

On page 1, line 1 of the title, after "jumping;" strike the remainder of the title and insert "amending RCW 9A.76.170; adding a new section to chapter 9A.76 RCW; and prescribing penalties."