

HOUSE BILL 2692

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Padden, Forner, Long, Casada, Van Luven, Dyer,
Sheahan, Brough, Foreman and Tate

Read first time 01/21/94. Referred to Committee on Judiciary.

1 AN ACT Relating to bail for persons charged with certain criminal
2 offenses; adding a new section to chapter 10.19 RCW; adding a new
3 section to chapter 10.82 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.19 RCW
6 to read as follows:

7 (1) As used in this section:

8 "Crime with bail restrictions" means a crime under any of the
9 following:

- 10 (a) Homicide 9A.32.030, 9A.32.040, 9A.32.050
- 11 (b) Manslaughter 9A.32.060, 9A.32.070
- 12 (c) Assault 9A.36.011, 9A.36.021, 9A.36.031, 9A.36.041,
- 13 9A.36.120, 9A.36.130, 9A.36.140
- 14 (d) Reckless Endangerment 9A.36.045, 9A.36.050
- 15 (e) Kidnapping 9A.40.020, 9A.40.030
- 16 (f) Rape 9A.44.040, 9A.44.050, 9A.44.060,
- 17 9A.44.073, 9A.44.076, 9A.44.079
- 18 (g) Child Molestation 9A.44.083, 9A.44.086, 9A.44.089
- 19 (h) Misconduct With a Minor 9A.44.093, 9A.44.096

- 1 (i) Theft 9A.56.030, 9A.56.040, 9A.56.050
- 2 (j) Arson and Reckless Burning 9A.48.020, 9A.48.030, 9A.48.040,
- 3 9A.48.050, 9A.48.060
- 4 (k) Malicious Mischief 9A.48.070, 9A.48.080, 9A.48.090
- 5 (l) Burglary 9A.52.020, 9A.52.025, 9A.52.030
- 6 (m) Extortion 9A.56.120, 9A.56.130
- 7 (n) Criminal Mistreatment 9A.42.020, 9A.42.030
- 8 (o) Bribery and Corrupt Influence Chapter 9A.68 RCW
- 9 (p) Obstructing Governmental Operation Chapter 9A.76 RCW
- 10 (q) Escape 9.31.090
- 11 (r) Perjury and Interference with
- 12 Official Proceedings Chapter 9A.72 RCW
- 13 (s) Unlawful Possession of Firearms Chapter 9.41 RCW
- 14 (t) Drug Related Crimes Chapter 69.50 RCW
- 15 (u) Criminal Profiteering Chapter 9A.82 RCW
- 16 (v) Violation of a Protective Order issued
- 17 under RCW 9A.46.080 or Title 10 or 26 RCW

18 (2) A person charged with a crime with bail restrictions may post
 19 the required amount of bail in the form of:

- 20 (a) Full cash;
- 21 (b) A surety bond executed by a duly licensed bail surety; or
- 22 (c) A bail bond secured by real property situated in this state,
- 23 fully unencumbered and equal to the amount of bail undertaken plus five
- 24 thousand dollars.

25 (3) A court may designate the amount of bail without designating
 26 the form in which the bail may be posted. When the court does not
 27 designate the form, bail may be posted in any combination of the forms
 28 authorized in subsection (2) of this section.

29 (4) When bail is posted in the form of a bail bond secured by real
 30 property, the owner of the real property shall file:

31 (a) An affidavit containing a legal description of the real
 32 property, and a statement that the affiant is the sole owner of the
 33 property and that the same is unencumbered.

34 (b) A professional appraisal, acceptable to the court, of the
 35 current market value of the property.

36 (5) Nothing in this section is intended to preclude a court from
 37 releasing a person on the person's own recognizance when the court,
 38 upon its own and for itself, determines that the person is deserving.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.82 RCW
2 to read as follows:

3 When a person charged with a criminal offense posts bail, ten
4 dollars of the total amount required to be posted as bail shall be paid
5 in cash as a nonrefundable bail fee. The bail fee shall be distributed
6 by the county treasurer as follows:

7 (1) One-third shall be forwarded to the department of labor and
8 industries to be deposited into the victims' compensation fund
9 established under RCW 7.68.090;

10 (2) One-third shall be credited to the court for administrative
11 costs; and

12 (3) One-third shall be used for local law enforcement costs.

13 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect immediately.

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