
HOUSE BILL 2852

State of Washington 58th Legislature 2004 Regular Session

By Representatives O'Brien, Cairnes, Hunt, Lantz and Flannigan

Read first time 01/21/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to failure to appear after release on recognizance;
2 and amending RCW 9A.76.170.

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 read
5 as follows:

6 (1) Any person having been released by court order or admitted to
7 bail with knowledge of the requirement of a subsequent personal
8 appearance before any court of this state, or of the requirement to
9 report to a correctional facility for service of sentence, and who
10 fails to appear or who fails to surrender for service of sentence as
11 required is guilty of bail jumping.

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

18 (3) Bail jumping is:

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

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

5 (c) A class C felony if the person:
6 (i) Was held for, charged with, or convicted of a class B or class
7 C felony; and
8 (ii) Has one or more prior convictions for an offense under this
9 section;

10 (d) A misdemeanor if the person:
11 (i) Was held for, charged with, or convicted of a gross misdemeanor
12 or misdemeanor; and
13 (ii) Has one or more prior convictions for an offense under this
14 section;

15 (e) A class 1 civil infraction if the person:
16 (i) Was held for, charged with, or convicted of a class B or class
17 C felony;
18 (ii) Has no prior convictions for an offense under this section;
19 and
20 (iii) Has surrendered within forty-eight hours to the local
21 sheriff;

22 (f) A class 2 civil infraction if the person:
23 (i) Was held for, charged with, or convicted of a gross misdemeanor
24 or misdemeanor;
25 (ii) Has no prior convictions for an offense under this section;
26 and
27 (iii) Has surrendered within forty-eight hours to the local
28 sheriff.

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