

SENATE BILL REPORT

SHB 1194

As of February 15, 2012

Title: An act relating to bail for felony offenses.

Brief Description: Concerning bail for the release of a person arrested and detained for a class A or B felony offense.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Kelley and Ladenburg).

Brief History: Passed House: 2/26/11, 96-0.

Committee Activity: Judiciary: 3/16/11, 3/23/11 [DPA]; 2/15/12.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Baxter, Carrell, Hargrove, Kohl-Welles, Regala and Roach.

Staff: Juliana Roe (786-7438)

Background: Bail may be granted by a judge at the defendant's preliminary appearance, or it may be granted according to a bail schedule. A bail determination must be made as soon as practicable after detention begins, but in no case later than the close of business the next judicial day. When probable cause and bail are determined at the same time, the determination must be made within 48 hours of arrest.

The Washington State Supreme Court has held that whether to promulgate a bail schedule is a question best left to the counties. In counties that have a bail schedule, a defendant may post bail without a judicial officer's determination. The availability and amount of bail for the particular offense are specified in the bail schedule. Most counties have a bail schedule for misdemeanors, and prior to January 1, 2011, seven counties had a bail schedule for felonies.

Summary of Bill: When a person is arrested and detained for a class A or B felony, a judicial officer must make a bail determination on an individualized basis.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Because of a sunset provision in a previous bill, the law reverts back to the way it was before the Clemmons shootings. This bill will bring back the requirement that judges determine bail on an individualized basis for class A and B felonies.

Persons Testifying: PRO: Representative Kelly, prime sponsor.