
SUBSTITUTE HOUSE BILL 1252

State of Washington

69th Legislature

2025 Regular Session

By House Community Safety (originally sponsored by Representatives Davis, Griffey, and Couture)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to pretrial release; and amending RCW 10.21.070,
2 10.21.050, 13.40.040, and 10.21.090.

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

4 **Sec. 1.** RCW 10.21.070 and 2010 c 254 s 9 are each amended to
5 read as follows:

6 (1) In a release order issued under RCW 10.21.030, the judicial
7 officer must:

8 ~~((1))~~ (a) Include a written statement that sets forth all the
9 conditions to which the release is subject, in a manner sufficiently
10 clear and specific to serve as a guide for the defendant's conduct;
11 and

12 ~~((2))~~ (b) Advise the defendant of:

13 ~~((a))~~ (i) The penalties for violating a condition of release,
14 including the penalties for committing an offense while on pretrial
15 release; and

16 ~~((b))~~ (ii) The consequences of violating a condition of
17 release, including the immediate issuance of a warrant for the
18 defendant's arrest.

19 (2) (a) Where it is in the record before the court that:

20 (i) At the time of the current offense or arrest:

21 (A) The defendant attempted to elude a police vehicle;

1 (B) The defendant engaged law enforcement in a foot pursuit; or
2 (C) Substantial resources were required to apprehend the
3 defendant; or

4 (ii) The defendant is charged with a violent offense as defined
5 in RCW 9.94A.030 or an offense relating to firearms as defined in RCW
6 9.41.010; and

7 (b) Pursuant to RCW 10.21.020, the judicial officer issues an
8 order for the person to either be released on personal recognizance
9 or released on a condition or combination of conditions, the judicial
10 officer must document in writing their rationale for either releasing
11 the defendant on personal recognizance or ordering less bail than
12 what is recommended by the prosecutor.

13 (3) In the written findings under subsection (2) of this section,
14 the judicial officer must specify how public safety will be ensured
15 and how the defendant's appearance will be ensured, in light of the
16 release order.

17 (4) For the purposes of this section, "substantial resources"
18 means that law enforcement invested significant efforts into
19 apprehending a suspect including, but not limited to, involvement of
20 multiple units, canine teams, drones, or air support.

21 **Sec. 2.** RCW 10.21.050 and 2023 c 462 s 406 are each amended to
22 read as follows:

23 The judicial officer in any felony, misdemeanor, or gross
24 misdemeanor case must, in determining whether there are conditions of
25 release that will reasonably assure the safety of any other person
26 and the community, take into account the available information
27 concerning:

28 (1) The nature and circumstances of the offense charged,
29 including whether the offense is a crime of violence or involved a
30 firearm;

31 (2) The weight of the evidence against the defendant; and

32 (3) The history and characteristics of the defendant, including:

33 (a) The defendant's character, physical and mental condition,
34 family ties, employment, financial resources, length of residence in
35 the community, community ties, past conduct, history relating to drug
36 or alcohol abuse, criminal history, and record concerning appearance
37 at court proceedings;

38 (b) Whether, at the time of the current offense or arrest, the
39 defendant was on community supervision, probation, parole, or on

1 other release pending trial, sentencing, appeal, or completion of
2 sentence for an offense under federal, state, or local law;

3 (c) The nature and seriousness of the danger to any person or the
4 community that would be posed by the defendant's release; (~~and~~)

5 (d) Whether, at the time of the current offense or arrest or
6 during previous arrests, the defendant attempted to elude a police
7 vehicle, the defendant engaged law enforcement in a foot pursuit, or
8 substantial resources were required to apprehend the defendant; and

9 (e) The defendant's firearms history, including previous arrests,
10 charges, or convictions for unlawful possession of a firearm, firearm
11 purchase history, any concealed pistol license history, and the
12 requirements of RCW 9.41.800 regarding issuance of an order to
13 surrender and prohibit weapons.

14 (4) For the purposes of this section, "substantial resources"
15 means that law enforcement invested significant efforts into
16 apprehending a suspect including, but not limited to, involvement of
17 multiple units, canine teams, drones, or air support.

18 **Sec. 3.** RCW 13.40.040 and 2017 3rd sp.s. c 6 s 606 are each
19 amended to read as follows:

20 (1) A juvenile may be taken into custody:

21 (a) Pursuant to a court order if a complaint is filed with the
22 court alleging, and the court finds probable cause to believe, that
23 the juvenile has committed an offense or has violated terms of a
24 disposition order or release order; or

25 (b) Without a court order, by a law enforcement officer if
26 grounds exist for the arrest of an adult in identical circumstances.
27 Admission to, and continued custody in, a court detention facility
28 shall be governed by subsection (2) of this section; or

29 (c) Pursuant to a court order that the juvenile be held as a
30 material witness; or

31 (d) Where the secretary or the secretary's designee has suspended
32 the parole of a juvenile offender.

33 (2) A juvenile may not be held in detention unless there is
34 probable cause to believe that:

35 (a) The juvenile has committed an offense or has violated the
36 terms of a disposition order; and

37 (i) The juvenile will likely fail to appear for further
38 proceedings; or

1 (ii) Detention is required to protect the juvenile from himself
2 or herself; or

3 (iii) The juvenile is a threat to community safety; or

4 (iv) The juvenile will intimidate witnesses or otherwise
5 unlawfully interfere with the administration of justice; or

6 (v) The juvenile has committed a crime while another case was
7 pending; or

8 (b) The juvenile is a fugitive from justice; or

9 (c) The juvenile's parole has been suspended or modified; or

10 (d) The juvenile is a material witness.

11 (3) Notwithstanding subsection (2) of this section, and within
12 available funds, a juvenile who has been found guilty of one of the
13 following offenses shall be detained pending disposition: Rape in the
14 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a
15 child in the first degree (RCW 9A.44.073).

16 (4) Upon a finding that members of the community have threatened
17 the health of a juvenile taken into custody, at the juvenile's
18 request the court may order continued detention pending further order
19 of the court.

20 (5) (a) Except as provided in RCW 9.41.280, a juvenile detained
21 under this section may be released upon posting a probation bond set
22 by the court. The juvenile's parent or guardian may sign for the
23 probation bond.

24 (b) A court authorizing such a release shall issue an order
25 containing a statement of conditions imposed upon the juvenile and
26 shall set the date of his or her next court appearance. The court
27 shall advise the juvenile of any conditions specified in the order
28 and may at any time amend such an order in order to impose additional
29 or different conditions of release upon the juvenile or to return the
30 juvenile to custody for failing to conform to the conditions imposed.

31 (i) Where it is in the record before the court that:

32 (A) At the time of the current offense or arrest:

33 (I) The juvenile attempted to elude a police vehicle;

34 (II) The juvenile engaged law enforcement in a foot pursuit; or

35 (III) Substantial resources were required to apprehend the
36 juvenile; or

37 (B) The juvenile is charged with a violent offense as defined in
38 RCW 9.94A.030 or an offense relating to firearms as defined in RCW
39 9.41.010; and

1 (ii) The court issues an order for the juvenile to either be
2 released on personal recognizance or released on a condition or
3 combination of conditions, the judicial officer must document in
4 writing their rationale for either releasing the juvenile on personal
5 recognizance or setting a probation bond that is less than what is
6 recommended by the prosecutor.

7 (c) In the written findings under subsection (5)(b)(ii), the
8 judicial officer must specify how public safety will be ensured and
9 how the juvenile's appearance will be ensured, in light of the
10 release order.

11 (d) In addition to requiring the juvenile to appear at the next
12 court date, the court may condition the probation bond on the
13 juvenile's compliance with conditions of release. The juvenile's
14 parent or guardian may notify the court that the juvenile has failed
15 to conform to the conditions of release or the provisions in the
16 probation bond.

17 (e) If the parent notifies the court of the juvenile's failure to
18 comply with the probation bond, the court shall notify the surety. As
19 provided in the terms of the bond, the surety shall provide notice to
20 the court of the offender's noncompliance.

21 (f) A juvenile may be released only to a responsible adult or the
22 department of children, youth, and families.

23 (g) Failure to appear on the date scheduled by the court pursuant
24 to this section shall constitute the crime of bail jumping.

25 (6) For the purposes of this section, "substantial resources"
26 means that law enforcement invested significant efforts into
27 apprehending a suspect including, but not limited to, involvement of
28 multiple units, canine teams, drones, or air support.

29 **Sec. 4.** RCW 10.21.090 and 2015 c 287 s 12 are each amended to
30 read as follows:

31 A monitoring agency, as defined in RCW 9.94A.736, may not agree
32 to monitor pursuant to home detention or electronic monitoring an
33 offender who is currently awaiting trial for a violent or sex
34 offense, as defined in RCW 9.94A.030, unless the defendant's release
35 before trial is secured with a payment of bail and there is real
36 time, 24/7 monitoring and immediate law enforcement dispatch for
37 geographic restriction violations, curfew violations, and strap

1 tampering. If bail is revoked by the court or the bail bond agency,
2 the court shall note the reason for the revocation in the court file.

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