
HOUSE BILL 1252

State of Washington

69th Legislature

2025 Regular Session

By Representatives Davis and Griffey

Prefiled 01/10/25.

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

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) Where it is in the record before the court that, at the time
20 of the current offense or arrest, the defendant resisted arrest,
21 attempted to elude a police vehicle, or substantial resources were

1 required to apprehend the defendant, there is a rebuttable
2 presumption that personal recognizance will not reasonably assure the
3 defendant's appearance, when required. In such cases, pursuant to RCW
4 10.21.020, when the judicial officer issues an order for the person
5 to either be released on personal recognizance or released on a
6 condition or combination of conditions, the judicial officer must
7 document in writing their rationale for any of the following:

8 (a) Releasing the defendant on personal recognizance;

9 (b) Declining to order electronic monitoring; or

10 (c) Ordering less bail than what is recommended by the
11 prosecutor.

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

16 (4) The court must submit the written findings under subsection
17 (2) of this section to the administrative office of the courts on or
18 before the next judicial day. The administrative office of the courts
19 must maintain a database where these orders may be accessed by the
20 public.

21 (5) The administrative office of the courts shall publish and
22 submit annually to the legislature, the Washington association of
23 sheriffs and police chiefs, and the Washington association of
24 prosecuting attorneys a report on the number of orders issued where a
25 person is released on personal recognizance, the judicial officer
26 declines to order electronic monitoring, or the judicial officer
27 orders less bail than requested by the prosecutor under subsection
28 (2) of this section.

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

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

35 The judicial officer in any felony, misdemeanor, or gross
36 misdemeanor case must, in determining whether there are conditions of
37 release that will reasonably assure the safety of any other person
38 and the community, take into account the available information
39 concerning:

1 (1) The nature and circumstances of the offense charged,
2 including whether the offense is a crime of violence;

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

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

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

10 (b) Whether, at the time of the current offense or arrest, the
11 defendant was on community supervision, probation, parole, or on
12 other release pending trial, sentencing, appeal, or completion of
13 sentence for an offense under federal, state, or local law;

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

16 (d) Whether, at the time of the current offense or arrest, the
17 defendant resisted arrest, attempted to elude a police vehicle, or
18 substantial resources were required to apprehend the defendant; and

19 (e) The defendant's firearms history, including purchase history,
20 any concealed pistol license history, and the requirements of RCW
21 9.41.800 regarding issuance of an order to surrender and prohibit
22 weapons.

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

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

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

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

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

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

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

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

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

7 (i) The juvenile will likely fail to appear for further
8 proceedings; or

9 (ii) Detention is required to protect the juvenile from himself
10 or herself; or

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

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

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

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

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

18 (d) The juvenile is a material witness.

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

24 (4) Upon a finding that members of the community have threatened
25 the health of a juvenile taken into custody, at the juvenile's
26 request the court may order continued detention pending further order
27 of the court.

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

32 (b) (i) A court authorizing such a release shall issue an order
33 containing a statement of conditions imposed upon the juvenile and
34 shall set the date of his or her next court appearance. The court
35 shall advise the juvenile of any conditions specified in the order
36 and may at any time amend such an order in order to impose additional
37 or different conditions of release upon the juvenile or to return the
38 juvenile to custody for failing to conform to the conditions imposed.

39 (ii) Where it is in the record before the court that, at the time
40 of the current offense or arrest, the juvenile resisted arrest,

1 attempted to elude a police vehicle, or substantial resources were
2 required to apprehend the juvenile, there is a rebuttable presumption
3 that the juvenile will likely fail to appear for further proceedings.
4 In such cases, the court must document in writing the rationale for
5 any of the following:

6 (A) Releasing the juvenile on personal recognizance;

7 (B) Declining to order electronic monitoring as a condition of
8 release; or

9 (C) Setting a probation bond that is less than what is
10 recommended by the prosecutor.

11 (c) In the written findings under this subsection (5)(b)(ii), the
12 judicial officer must specify how public safety will be ensured and
13 how the juvenile's appearance will be ensured, in light of the
14 release order.

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

21 (e) If the parent notifies the court of the juvenile's failure to
22 comply with the probation bond, the court shall notify the surety. As
23 provided in the terms of the bond, the surety shall provide notice to
24 the court of the offender's noncompliance.

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

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

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

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