

WSR 26-02-023
RULES OF COURT
STATE SUPREME COURT
[December 4, 2025]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO CrR/CrRLJ 3.2—) NO. 25700-A-1679
RELEASE OF ACCUSED)

The King County Department of Public Defense, the Washington State Office of Public Defense, the Washington Defender Association, and the Snohomish County Office of Public Defense, having recommended the adoption of the proposed amendments to CrR/CrRLJ 3.2—Release of Accused, and the Court having considered the proposed amendments and the comments received, and having determined that the suggested amendments as modified by the Court will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as modified by the Court and as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the proposed amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of December, 2025.

Table with two columns of names: Johnson, J.; Madsen, J.; Gonzalez, J.; Gordon McCloud, J. and Stephens, C.J.; Yu, J.; Montoya-Lewis, J.; Whitener, J.; Mungia, J.

PROPOSED AMENDMENTS TO CrR/CrRLJ 3.2
CrR 3.2
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

- (1) [Unchanged.]
(2) there is shown a likely danger that the accused:
(i) [Unchanged.]

(ii) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice. will seek to intimidate or threaten a witness, victim, or court employee, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community.

For the purpose of this rule, "violent crimes" are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

(b)-(c) [Unchanged.]

(d) **Showing of Substantial Danger—Conditions of Release.** Upon a showing that there exists a substantial danger that the accused will commit a violent crime or will seek to intimidate or threaten a witness, victim, or court employee, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community, that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

(1)-(5) [Unchanged.]

(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice, or threatening a witness, victim, or court participant, or tampering with evidence or violating a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community;

(7)-(9) [Unchanged.]

(10) Impose any condition other than detention to assure ~~noninterference with the administration of justice~~ that the accused will not threaten or intimidate witnesses, victims, or court employees, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community, and reduce danger to others or the community.

(e) **Relevant Factors—Showing of Substantial Danger.** In determining which conditions of release will reasonably assure ~~the accused's noninterference with the administration of justice,~~ that the accused will not threaten or intimidate witnesses, victims, or court employees, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts, including but not limited to:

(1)-(4) [Unchanged.]

(5) The accused's past record of threats to victims or witnesses, ~~or interference with witnesses, or the administration of justice;~~ victims, or court employees, or tampering with evidence or violating a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community;

(6) [Unchanged.]

(7) The accused's past record of committing violent offenses while on pretrial release, probation, or parole; and

(8) [Unchanged.]

(f) [Unchanged.]

(g) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not intimidate or threaten witnesses, victims, or court employees, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference, or danger is believed to exist, the person may be ordered detained without bail.

(h)-(o) [Unchanged.]

Comment

[Unchanged.]

CrRLJ 3.2

RELEASE OF ACCUSED

If the court does not find, or the court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

(1) [Unchanged.]

(2) there is shown a likely danger that the accused:

(i) [Unchanged.]

(ii) ~~will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.~~ will seek to intimidate or threaten a witness, victim, or court employee, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community.

For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

(b)-(c) [Unchanged.]

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~~terfere with the administration of justice,~~ the court may impose one or more of the following nonexclusive conditions:

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(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice, or threatening a witness, victim, or court participant, or tampering with evidence or violating a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community;

(7)-(9) [Unchanged.]

(10) Impose any condition other than detention to assure ~~noninterference with the administration of justice that the accused will not threaten or intimidate witnesses, victims, or court employees, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community,~~ and reduce danger to others or the community.

(e) Relevant Factors—Showing of Substantial Danger. In determining which conditions of release will reasonably assure ~~the accused's noninterference with the administration of justice, that the accused will not threaten or intimidate witnesses, victims, or court employees, or tamper with evidence or violate a civil or criminal protection order, criminal no contact order, or family law restraining order, and/or conditions of release that protect the safety of alleged victims, witnesses, and the community,~~ and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts, including but not limited to:

(1)-(4) [Unchanged.]

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(6) [Unchanged.]

(7) The accused's past record of committing violent offenses while on pretrial release, probation, or parole; and

(8) [Unchanged.]

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~~that protect the safety of alleged victims, witnesses, and the community significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference, or danger is believed to exist, the person may be ordered detained without bail.~~

(h) - (q) [Unchanged.]