

# SENATE BILL REPORT

## SHB 1194

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As of March 16, 2011

**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.

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### SENATE COMMITTEE ON JUDICIARY

**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.

In 2010 the Legislature passed HB 2625 which required a judicial officer to make a bail determination on an individualized basis for a person arrested and detained for a felony. This requirement went into effect January 1, 2011, and will expire August 1, 2011.

**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.

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*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: This bill is a follow-up to last year's issues on bail. We have thoroughly discussed issues regarding booking bail; however, I recently discovered that booking bail is used seven days a week in some counties. This bill will limit this type of practice. This bill compliments what the Senate's bail bill does.

**Persons Testifying:** PRO: Representative Kelley, prime sponsor.