
SENATE BILL 6787

State of Washington 61st Legislature 2010 Regular Session

By Senators Carrell, Delvin, and Roach

Read first time 01/27/10. Referred to Committee on Judiciary.

1 AN ACT Relating to the pretrial detention of the accused who may
2 receive a life sentence or face a charge of a capital offense; adding
3 a new chapter to Title 10 RCW; and providing a contingent effective
4 date.

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

6 NEW SECTION. **Sec. 1.** (1) The conditions imposed under this
7 chapter supplement but do not supplant provisions of law allowing the
8 imposition of conditions to assure the appearance of the defendant at
9 trial or to prevent interference with the administration of justice.
10 In cases where the accused is charged with a capital offense or an
11 offense which may result in a life sentence without possibility of
12 release, a judicial officer must make a determination of conditions, if
13 any, upon pretrial release. The judicial officer must release the
14 accused on his or her own personal recognizance unless:

- 15 (a) The court determines that such recognizance will not reasonably
16 assure the accused's appearance, when required, or
17 (b) There is shown a likely danger that the accused will:
18 (i) Commit a violent crime; or

1 (ii) Seek to intimidate witnesses, or otherwise unlawfully
2 interfere with the administration of justice.

3 (2) For the purposes of this section, "violent crimes" are not
4 limited to crimes defined as violent offenses in RCW 9.94A.030. In
5 making the determination, the court shall consider the relevant facts
6 including, but not limited to:

7 (a) The nature and circumstances of the offense, in particular,
8 whether it is an offense that is violent or nonviolent in nature;

9 (b) The weight of the evidence against the person;

10 (c) The history and characteristics of the person, such as:

11 (i) Character, including physical and mental condition, family
12 ties, employment, financial resources, length of time in the community,
13 community ties, past conduct history relating to drug or alcohol abuse,
14 criminal history, and record of court appearances; and

15 (ii) Whether, at the time of the current offense or arrest, the
16 person was on probation, parole, or other release pending trial,
17 sentencing, appeal, or completion of a sentence for an offense under
18 federal, state, or local law; and

19 (d) The nature and seriousness of the danger to any person or to
20 the community that would be posed by the person's release. The factors
21 used to determine danger include the defendant's criminal history,
22 threats of violence, noncriminal destructive acts, or any articulable
23 demonstration of threat.

24 NEW SECTION. **Sec. 2.** If a judicial officer finds that no
25 condition or combination of conditions will reasonably assure the
26 safety of any other person and the community, the judicial officer must
27 order the detention of the person before trial. The detainee is
28 entitled to expedited review of the detention order by the court of
29 appeals under the writ provided in RCW 7.36.160.

30 NEW SECTION. **Sec. 3.** Nothing in this chapter may be construed as
31 modifying or limiting the presumption of innocence.

32 NEW SECTION. **Sec. 4.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
2 a new chapter in Title 10 RCW.

3 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2011, if
4 the proposed amendment to Article I, section 20 of the state
5 Constitution proposed in Senate Joint Resolution No. 8218 is validly
6 submitted to and is approved and ratified by the voters at the next
7 general election. If the proposed amendment is not approved and
8 ratified, this act is void in its entirety.

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