

Tom McBride - both included within email body

From: Tom McBride
To: McMahan, James
Date: 9/15/2011 10:55 AM
Subject: both included within email body

#1**WACO Affiliate Submitting Proposal: Prosecuting Attorneys**

Brief Description of Issue: Amending criminal bail laws to provide for transparency and certainty in how bail is met, once set by the court.

Please describe, in as much detail as necessary, the problem that has been identified, the suggested solution, and the expected outcome should the issue be taken up. Please also include legislative drafting language. Please include relevant facts, figures and statistics as appropriate.

In the Aftermath of the Lakewood police officer murders, the manner in which the suspect met bail on earlier criminal charges was publicly disclosed. It became clear that 10% up front, verification of property values, and other assumed practices did not take place and are not required by law. Prosecuting Attorneys would like to see a specific requirement that 5% of the bail amount be posted up front by the incarcerated person (the court can set the bail amount higher or lower, or release upon personal recognizance - but if bail is set, it should require some up front amount to be met). We would also like to see a one page summary of the bail terms provided to the court by the agency posting.

Impact on WACO Affiliates:

Assessor: Click here to enter text.

Auditor: Click here to enter text.

Clerk: The court file will include the new one page terms document

Coroner: Click here to enter text.

Prosecutor: We will know how to accurately describe what must occur to meet bail to victims and officers, who can then plan their safety accordingly

Sheriff: Judicial behavior already acknowledges jail capacity and that dynamic is not precluded by this proposal in the future

Treasurer: Click here to enter text.

Impact on the public: More transparent government action and increased safety for individual

victims.

Does this issue have a fiscal impact on counties? (Check all that apply)

Increased revenue to counties

Decreased revenue to counties

Increased costs to counties

Decreased costs to counties

No county fiscal impact Prosecuting Attorneys do not believe this will crowd jails and that the reporting requirement upon bail agencies is not onerous (they already file a document upon posting bail - this will add some data to that)

Does this issue require state expenditure of funds? no

If Yes, approximately how much, and provide from what source: [Click here to enter text.](#)

Does this issue require a change to the RCW? yes

If Yes, please provide the appropriate RCW Title, Chapter and Section to be created, amended or deleted: attached

Has this issue been presented to the Legislature before? yes

If Yes, please provide as much detail as is available, including year, bill number, result, etc.: last year this proposal failed based upon opposition by bail agencies.

If this issue is taken up by WACO, are there specific legislators that WACO should contact regarding the issue? yes.

If Yes, please list which legislators and their position on the issue:
Senators Kline and Carrell, Representative Hurst and Pearson.

Has this issue been presented to other WACO Members? no.

If Yes, please list which WACO members and their position on the issue:
[Click here to enter text.](#)

Is your affiliate willing and able to spend time in Olympia during the session to meet with legislators, and testify to this issue in Legislative committee hearings? yes.

If WACO acts on the request, what individuals/entities are likely to agree with WACO's position on the issue: Superior Court and District Court Judges, some bail agencies, law enforcement

If WACO acts on the request, what individuals/entities are likely to disagree with WACO's position on the issue, and why? Aladdin bail bond agency - does not want an up front amount based upon the bail set by the court.

Submitted by,

NAME: Russ Hauge.

AFFILIATE TITLE: Prosecuting Attorney

DATE SUBMITTED: September 15, 2011

THIS SECTION FOR WACO LEGISLATIVE COMMITTEE USE ONLY

Legislative Committee Action: _____

Date: _____

Approved by: _____