

1. Presumption of release without conditions

Washington Court Rules, CrR and CrRLJ 3.2



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2. Judges MUST release w/o conditions absent the State showing a substantial risk:



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3. If substantial risk found, then least restrictive conditions

- Money bail a last resort
- Continuum of conditions to mitigate the identified risk – *State v. Huckins*, 5 Wash.App.2d 457 (2018)
 - **EXAMPLES OF CONDITIONS:**
 - No contact with persons, places
 - Release to designated person or organization to supervise
 - Pretrial services supervision
 - Call-in day reporting day reporting
 - Electronic home monitoring (EHM)
 - Work release



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4. Must Consider Financial Circumstances of Accused if Bail Imposed

Where substantial FTA risk,

- must set at amount that will reasonably assure appearance. CrR, CrRLJ 3.2(b)(6)

Where substantial risk of violent crime,

- must set at an amount that will reasonably assure community safety, prevent justice interference. CrR, CrRLJ 3.2(d)(6)

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5. If money bail is imposed, consider refundable deposit into court registry.

- Authorized by CrR, CrRLJ 3.2(b)(4)
- Must still authorize a surety bond, in alternative, State v. Barton
- Deposit in court registry cash or other security not to exceed 10% of surety bond amount

Advantages:

- Person posting gets \$ returned if conditions met
- Can be forfeited for noncompliance w/ any condition, i.e., new offense, unlike commercial bond, which is forfeitable ONLY for FTA in court