

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 2231 SHB	Title: Bail Jumping	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would modify the crime of Bail Jumping and would limit the offense to persons held for, charged with, or convicted of felony offenses. The bill would create the crime of Failure to Appear or Surrender.

This bill differs from HB 2231:

- Would restore the tiered felony penalties for Bail Jumping, rather than making all violations gross misdemeanors. The offense would be limited to a person held for, charged with, or convicted of a felony offense.
- Would require a prosecutor to prove that: (1) within 30 days of the issuance of a warrant for failure to appear or surrender, a person did not make a motion with a court to quash it, and if a motion to quash was made, the person did not appear before the court with respect to the motion; and (2) a person has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.
- Would modify the affirmative defense for Bail Jumping to provide that a person must not have negligently disregarded the requirement to appear or surrender, rather than recklessly disregarded it.
- Would create the crime of “Failure to Appear or Surrender”, mirroring the elements of Bail Jumping in current law, except for it incorporates the change regarding written notice from the underlying bill and prescribes different penalties.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1(1) – Would provide that a person is guilty of bail jumping if he or she: (a) is held for, charged with, or convicted of a violent offense as defined in RCW 9.94A.030; (c) has received written notice of the requirement of a subsequent personal appearance before any court of this state; (d) fails to appear or fails to surrender for service of sentence; (e)(i) within 30 days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or (e)(ii) has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

Section 2(1) – Would provide that a person is guilty of the crime of failure to appear or surrender if he or she:

- (a) Is released by court order or admitted to bail;
- (b) Has received written notice of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to a correctional facility for service of sentence; and
- (c) Fails to appear or fails to surrender for service of sentence as required.

Section 2(3) – Would define failure to appear or surrender as:

- (a) A gross misdemeanor if the person was held for, charged with, or convicted of a felony; or
- (b) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

The law tables and jury instructions would need to be updated. Judicial education would be required. These impacts would be managed within existing resources.