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Subject: FW: Comment re: proposed CrR 3.2 Modification
Date: Friday, January 29, 2021 8:38:19 AM

From: Boska, Michael [mailto:Michael.Boska@co.snohomish.wa.us]
Sent: Thursday, January 28, 2021 5:22 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re: proposed CrR 3.2 Modification

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Greetings,

I write to respectfully express concern regarding the proposed change to CrR 3.2, mandating release for “non-violent” offenders except under certain special circumstances.

While bail reform is an important and timely topic, the language of the rule, as proposed, removes entirely the current provision of CrR 3.2(a) which clarifies that the term “violent crime” is not limited to the statutory definition found in RCW 9.94A.030. Removing this clarification could deprive trial judges of any discretion to assign bail for defendants charged with crimes such as:

- Malicious Harassment (hate crimes)
- Class B and C sex offenses such as Second Degree Child Molestation,
- felony domestic violence court order violations, including those predicated on assault of the victim in violation of the order,
- stalking,
- illegal possession of a firearm,
- felony DUI,
- harassment (threats to kill), and
- third degree assaults against police officers.

What these offenses have in common is that none of them are legally classified as “violent.” A defendant charged with one of the above offenses, perhaps with many previous convictions for violent offenses, but who is not currently under supervision for such a prior offense, would have to be released. Such an offender nevertheless might pose a significant risk to the public, witnesses, or their victims. This rule as formulated prevents proper arguments to the trial court regarding whether bail is necessary. I write particularly with the scenario in mind of a domestic violence or sexual assault victim, already reluctant to report the offender out of fear of retaliation, who now will

know (as will the abuser) that even if a crime is reported, he or she will be immediately released from custody.

When weighing and balancing the rights of offenders when considering bail reform measures such as the proposed amendment, please carefully consider also the potential consequences and risks to victims. Thank you for your consideration.

Respectfully,

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