

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comment to Proposed Amendments to Rules CrR 3.2/CrRLJ 3.2  
**Date:** Thursday, April 29, 2021 2:49:26 PM

---

---

**From:** Nathaniel Block [mailto:nblock@co.skagit.wa.us]  
**Sent:** Thursday, April 29, 2021 2:45 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment to Proposed Amendments to Rules CrR 3.2/CrRLJ 3.2

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

To Whom it May Concern,

I am a deputy prosecuting attorney. I regularly argue release standards, particularly as it relates to domestic violence offenses and vehicle offenses. I am writing to express concerns related to the proposed amendments to CrR 3.2 and CrRLJ 3.2.

The proposed amendments as written states that an individual will be released on their personal recognizance for all non-violent offenses outside of certain exceptions. The concern is that the proposed amendment would not allow a court to impose bail on a slew of criminal offenses that place victims and our communities at risk. For instance, the definition of “violent offenses” under [RCW 9.94A.030](#) does not include numerous domestic violence offenses or DUIs. The National Institutes of Health has found that of those injured by domestic violence, over [75% continue to experience abuse](#). as written, a court could not take into account the fact that the charged criminal offenses have domestic violence allegations or if a defendant has a criminal history of domestic violence. A court would not be able to impose bail for an individual accused of, as an example, Harassment – Threats to Kill – Domestic Violence, Assault 4 – Domestic Violence, or either a felony or misdemeanor Violation of a No Contact Order – Domestic Violence. A court would not be able to consider the fact that an individual accused of one of these offenses had prior convictions for other domestic violence offenses. Rather, they can only take into account if defendant is on probation, community custody, or has another pending charge.

Further courts would not be able to impose bail for DUIs, unless one of the exceptions has been met. In 2019, [one person died every 52 minutes](#) as a result of a drunk driver. Drunk drivers place our entire community at risk. Yet, the proposed rule would not allow a court to consider any facts or defendant’s DUI history. For instance, an individual accused of a felony DUI, meaning it is their fourth DUI within a 10 year period, would have to be released on their own personal recognizance

unless one of the other exceptions apply. A court would again be not be able to consider the facts of the case, such as if a defendant's level of intoxication would result in [significant impairment of motor control](#).

Although the amendment's drafter has tried to address some of these issues in his own comment, such as indicating that "violent offense" would not be limited to those crimes listed in RCW 9.94A.030, it is my understanding such is not included in the proposed rule. Even if it was the term "violent offense" can be subject to a wide range of interpretation. If the Court is considering amending to align with the intention, I believe language that indicates bail may be imposed for serious violent offenses, violent offenses, domestic violence offenses, felony traffic offense and serious traffic offenses would met the drafter's intention and would ensure uniformity in how courts are imposing bail. This type of added language would help ensure victim safety and community safety. It would also ensure that individuals arrested for status offenses, property crimes, and drug offenses, among others, would not be incarcerated pre-trial, unless one of the proposed exceptions applies.

Thank you for your time and consideration.

Nathaniel Block  
Deputy Prosecuting Attorney  
Skagit County Prosecuting Attorney's Office  
(360)416-1614  
[nblock@co.skagit.wa.us](mailto:nblock@co.skagit.wa.us)

