



# Superior Court Judges' Association

**Samuel S. Chung**

**President**

King County Superior Court  
516 3<sup>rd</sup> Ave, Rm C-203  
Seattle, WA 98104-2361  
206-477-1417

**Kristin Ferrera**

**President Elect**

Chelan County Superior Court  
401 Washington St, Fl 5  
Wenatchee, WA 98807-0880  
509-667-2610

**Jennifer A. Forbes**

**Immediate Past President**

Kitsap County Superior Court  
614 Division St, MS 24  
Port Orchard, WA 98366-4683  
360-337-7140

**Shelley D. Szambelan**

**Secretary**

Spokane County Superior Court  
1116 W Broadway Ave  
Spokane, WA 99260-0350  
509-477-5792

**Ken Schubert**

**Treasurer**

King County Superior Court  
401 4<sup>th</sup> Ave N, Rm 2D  
Kent, WA 98032-4429  
206-477-1567

## **Board of Trustees**

**Raymond F. Clary**

Spokane County Superior Court  
1116 W Broadway Ave  
Spokane, WA 99260-0350  
509-477-4704

**Chris Lanese**

Thurston County Superior Court  
2000 Lakeridge Dr, SW, Bldg 2  
Olympia, WA 98502-1045  
360-786-5560

**Adrienne Thomas McCoy**

King County Superior Court  
516 3<sup>rd</sup> Ave, Rm C-203  
Seattle, WA 98104-2361  
206-477-1933

**Susan Adams**

Pierce County Superior Court  
930 Tacoma Ave S, Rm 334  
Tacoma, WA 98402-2108  
253-798-7571

**Laura M. Riquelme**

Skagit County Superior Court  
205 W Kincaid St, Rm 202  
Mount Vernon, WA 98273-4225  
360-416-1200

**Norma Rodriguez**

Benton/Franklin Co Superior Courts  
7122 W Okanogan Pl, Bldg A  
Kennewick, WA 99336-2359  
509-736-3071

**Josephine Wiggs**

King County Superior Court  
516 3<sup>rd</sup> Ave, Rm C-203  
Seattle, WA 98104-2361  
206-477-4933

April 25, 2024

Honorable Charles W. Johnson, Chair

Honorable Mary I. Yu, Chair

Washington State Supreme Court Rules Committee

Temple of Justice

P.O. Box 40929

Olympia, WA 98504-0929

Dear Justice Johnson and Justice Yu:

Re: Proposed Changes to CrR 3.2

The Superior Court Judges' Association (SCJA) reviewed the proposed changes to Criminal Rule (CrR) 3.2. This proposed change would require courts to offer persons accused of crimes an appearance bond, which is a 10% cash deposit of the bail amount paid directly to the court. This deposit could then be returned to the accused at the end of their case. After much discussion within the SCJA, and appreciation for the underlying rationale of the proposed changes, we must respectfully request the Supreme Court reject this proposal.

The SCJA generally supports limiting the impact of assigned bond on indigent litigants. From a court's perspective, there is little bureaucratic impact as to whether the 10% deposit of a bond goes to a private bail bonds firm or to the county clerk. However, depositing bond with the clerk could make a significant difference to persons accused of crimes and their families, as those funds would be returned to them at the end of the case if they comply with pretrial requirements. Alternatively, when posting through a bond agent, the accused would lose the 10% deposit regardless of pretrial compliance, disproportionately impacting low-income people, which is the majority of people coming through court. Changes to Washington's bail system have the potential to moderate a real economic barrier to pretrial release and should be encouraged. The SCJA has long served as a partner in pretrial reform efforts, including co-sponsoring Washington's Pretrial Reform Task Force several years ago.

The SCJA does not find, however, that the changes offered to CrR 3.2 are the best option for bail system reform. This proposal would eliminate judicial discretion in determining the options under which a person accused of a crime would pay bond. While judges currently have the *option* to offer an appearance bond, they are not *required* to do so. There are some cases where an appearance bond might not be effective, so judicial discretion in making the determination on the type of bond to impose is necessary. For example, the efforts of a bond agent can be instrumental in returning to court individuals with a significant flight risk for which either the full bond amount or collateral for the full amount significantly increases the likelihood of their return to court and the administration of justice.

April 25, 2024

Page 2

For this reason, the SCJA opposes the changes proposed to CrR 3.2. The SCJA would welcome, however, a change to CrR 3.2 that would suppose an appearance bond as the default, but allow judicial discretion to deny or limit an appearance bond when certain conditions are met (e.g., significant flight risk) and specific findings are made. Superior courts value clear and precise criteria to guide judicial decision making as to the appropriate use of bond types.

Finally, many of the judges reviewing this proposed rule change were unfamiliar with the option of an appearance bond, and have never been requested to grant such a bond. To increase the use of appearance bonds in superior courts as an option for certain defendants, the SCJA would welcome tailored judicial education and outreach.

Thank you for consideration of our comments.

Sincerely,



Samuel Chung, President  
Superior Court Judges' Association

cc: SCJA Board of Trustees  
Ms. Allison Lee Muller

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Court Rule Public Comment Letters  
**Date:** Thursday, April 25, 2024 2:45:39 PM  
**Attachments:** [SCJA Public Comment CR 59 GR 3.2.pdf](#)  
[SCJA Public Comment GR 41.pdf](#)  
[SCJA Public Comment CrR 3.2.pdf](#)

---

---

**From:** Valdez, Andrea <Andrea.Valdez@courts.wa.gov>  
**Sent:** Thursday, April 25, 2024 2:42 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** 'Chung, Samuel' <Samuel.Chung@kingcounty.gov>; Lee Muller, Allison  
<Allison.LeeMuller@courts.wa.gov>; Ireland, Shelley <Shelley.Ireland@courts.wa.gov>; Green, Heidi  
<Heidi.Green@courts.wa.gov>  
**Subject:** Court Rule Public Comment Letters

Good afternoon.

Please see the attached comment letters on behalf of the Superior Court Judges' Association. The proposed rules we are commenting on at this time are:

- CR 59 / GR 3.2
- GR 41
- CrR 3.2

Thank you,  
Andrea Valdez, MPA (she/her/hers)  
Senior Policy Analyst  
Superior Court Judges' Association  
Administrative Office of the Courts  
[Andrea.valdez@courts.wa.gov](mailto:Andrea.valdez@courts.wa.gov)