

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Comment re proposed amendment to CrR 3.2 and CrRLJ 3.2 - Release of Accused  
**Date:** Tuesday, April 23, 2024 1:27:35 PM

---

---

**From:** Guthrie, Stephanie <Stephanie.Guthrie@kingcounty.gov>  
**Sent:** Tuesday, April 23, 2024 1:21 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment re proposed amendment to CrR 3.2 and CrRLJ 3.2 - Release of Accused

**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.

I am writing to oppose the proposed amendment to CrR 3.2 and CrRLJ 3.2 that would require the court to allow a defendant to satisfy bail by posting 10 percent of the amount set with no security. There are numerous problems with the proposed change. First and foremost, it effectively reduces any bail amount set by 90 percent, as any forfeiture is limited to the 10 percent posted and the proposed rule does not impose liability for the full amount if the defendant flees or otherwise violates conditions of release. Subsection (d)(6a) already requires that judge tailor bail to lowest amount "that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice." By requiring defendants to pay only 10 percent of that amount, the rule guarantees that defendants will only be required to pay an amount that the court has found insufficient to assure community safety. There are undoubtedly flaws in a cash bail system, but this is not the right solution. Additionally, the justification for the proposed amendment does not recognize that the entity that posts security has an incentive to assist the defendant in complying with the conditions of release and appearing for court, and has an incentive to assist in returning the defendant to court if conditions of release are violated. Also, this amendment increases the ability of third parties with no connection to the case, such as "community bail funds," to post bail on serious offenses without regard to the risk to the public and the risk that the defendant will fail to appear. When those third parties post bail, the defendant has NO incentive to comply with conditions of release or to appear for court. Moreover, the court already has complete discretion to order an appearance bond, which is satisfied by posting 10 percent of the amount set and an agreement to pay the remainder if conditions of release are violated. An appearance bond does not require doing business with a bail bond business. Finally, the proposed amendment would not permit forfeiture of even the 10 percent posted if the defendant flees and cannot be located. The State will be unable to prove the added requirement that a violation of the conditions of release was willful.

**Stephanie Finn Guthrie** (she/her)  
*Senior Deputy Prosecuting Attorney, Appellate Unit*

*Contested Blake Resentencing Coordinator*  
King County Prosecuting Attorney's Office  
516 3rd Avenue | Seattle | WA | 98104  
Phone: (206) 477-9527  
Email: [stephanie.guthrie@kingcounty.gov](mailto:stephanie.guthrie@kingcounty.gov)