



Legislation Text

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A MOTION urging the Washington state Legislature to place before voters at the next general election a proposed amendment to Article I Section 20 of the state Constitution to exempt certain persons charged with offenses for which the maximum sentence is the possibility of life in prison from being bailable if proof is evident or the presumption great.

WHEREAS, Article 1, Section 20 of the Washington State Constitution states, "All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great," and

WHEREAS, RCW 10.88.350, enacted to implement the constitutional mandate, requires that unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such a sum as the judge deems proper, and

WHEREAS, bail bond agencies are licensed by the state and in order to represent clients, the bail bond agency owner and agents must be over twenty-one years old, have no felony convictions, have the business resident in Washington and have the financial resources to provide surety bonds, and

WHEREAS, because bail bond agencies are not responsible for any new crimes committed by clients and are only responsible for ensuring the defendant appears for court, the bail bond agencies have as their primary goal the financial protection of the surety bond issued for a defendant, rather than the protection of public safety, and

WHEREAS, On November 29, 2009, four Lakewood City police officers were murdered by an assailant who had a long history of felony charges and convictions, but nonetheless was released on bail, and

WHEREAS, the state constitutional mandate for bail in all cases except capital crimes has been in place and unchanged since before Washington was granted statehood (the state's first constitution was created as a condition for statehood while still a territory) has not been modified since ratification, and

WHEREAS, the only means by which the mandate for bail can be modified is through a constitutional amendment and a change to the state constitution, which requires a two-thirds approval in both the Washington state House of Representatives and the Senate followed by the passage of the constitutional amendment by a simple majority approval from voters in a general election, and

WHEREAS, the 61st state Legislature, in its 2010 session, is considering legislation that would submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article I, section 20 of the Constitution of the state of Washington to exempt certain persons charged with an offense for which the maximum sentence is the possibility of life in prison from being bailable if proof is evident or the presumption great, and

WHEREAS, on February 5, 2010, the House of Representatives passed Engrossed Substitute House Joint Resolution 4220 by a vote of 80 yeas and 17 nays, and

WHEREAS, the Washington Council on Police and Sheriffs, Council of Metropolitan Police and Sheriffs, Washington Association of Sheriffs and Police Chiefs, Washington State Patrol Troopers Association, Lakewood Police Officers Guild and the Seattle Police Officers Guild, among other agencies, strongly support the proposed amendment be sent to the voters of Washington, and

WHEREAS, the proposed amendment is to be known as the Lakewood Law Enforcement Memorial Act to honor the four fallen Lakewood Police Officers: Tina Griswold, Ronald Owens, Mark Renninger and Greg Richards;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The metropolitan King County council urges the Washington state Legislature to place before voters at the next general election a proposed amendment to Article I, section 20 of the state Constitution to exempt certain persons charged with offenses for which the maximum sentence is the possibility of life in prison from being bailable if proof is evident or the presumption great.

B. The metropolitan King County council also urges that the proposed amendment be put to the voters in the 2010 general election.

C. The metropolitan King County Council also urges the proposed amendment be known as the Lakewood Law Enforcement Memorial Act.