



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 17, 2010

Motion 13149

Proposed No. 2010-0048.2

Sponsors Dunn and Ferguson

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

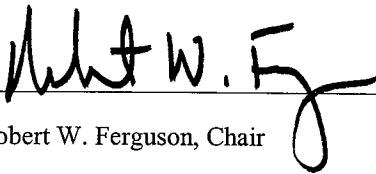
Motion 13149 was introduced on 1/18/2010 and passed by the Metropolitan King
County Council on 2/16/2010, by the following vote:

Yes: 5 - Ms. Drago, Mr. von Reichbauer, Ms. Lambert, Mr. Ferguson
and Mr. Dunn

No: 1 - Mr. Gossett

Excused: 3 - Mr. Phillips, Ms. Hague and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: None