
HOUSE BILL 2206

State of Washington

64th Legislature

2015 Regular Session

By Representative Klippert

Read first time 03/24/15. Referred to Committee on Public Safety.

1 AN ACT Relating to adding the crime of commercial sexual abuse of
2 a minor to the list of crimes in detaining defendants pending
3 sentencing; and amending RCW 10.64.025 and 9.95.062.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.64.025 and 2011 c 111 s 4 are each amended to
6 read as follows:

7 (1) A defendant who has been found guilty of a felony and is
8 awaiting sentencing shall be detained unless the court finds by clear
9 and convincing evidence that the defendant is not likely to flee or
10 to pose a danger to the safety of any other person or the community
11 if released. Any bail bond that was posted on behalf of a defendant
12 shall, upon the defendant's conviction, be exonerated.

13 (2) A defendant who has been found guilty of one of the following
14 offenses shall be detained pending sentencing: Rape in the first or
15 second degree (RCW 9A.44.040 and 9A.44.050); rape of a child in the
16 first, second, or third degree (RCW 9A.44.073, 9A.44.076, and
17 9A.44.079); child molestation in the first, second, or third degree
18 (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a
19 minor in the first or second degree (RCW 9A.44.093 and 9A.44.096);
20 indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring
21 (RCW 9A.40.090); human trafficking in the first or second degree (RCW

1 9A.40.100); commercial sexual abuse of a minor (RCW 9.68A.100);
2 promoting commercial sexual abuse of a minor (RCW 9.68A.101); any
3 class A or B felony that is a sexually motivated offense as defined
4 in RCW 9.94A.030; a felony violation of RCW 9.68A.090; or any offense
5 that is, under chapter 9A.28 RCW, a criminal attempt, solicitation,
6 or conspiracy to commit one of those offenses.

7 **Sec. 2.** RCW 9.95.062 and 2011 c 111 s 3 are each amended to read
8 as follows:

9 (1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant
10 in a criminal action shall not stay the execution of the judgment of
11 conviction, if the court determines by a preponderance of the
12 evidence that:

13 (a) The defendant is likely to flee or to pose a danger to the
14 safety of any other person or the community if the judgment is
15 stayed; or

16 (b) The delay resulting from the stay will unduly diminish the
17 deterrent effect of the punishment; or

18 (c) A stay of the judgment will cause unreasonable trauma to the
19 victims of the crime or their families; or

20 (d) The defendant has not undertaken to the extent of the
21 defendant's financial ability to pay the financial obligations under
22 the judgment or has not posted an adequate performance bond to assure
23 payment.

24 (2) An appeal by a defendant convicted of one of the following
25 offenses shall not stay execution of the judgment of conviction: Rape
26 in the first or second degree (RCW 9A.44.040 and 9A.44.050); rape of
27 a child in the first, second, or third degree (RCW 9A.44.073,
28 9A.44.076, and 9A.44.079); child molestation in the first, second, or
29 third degree (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual
30 misconduct with a minor in the first or second degree (RCW 9A.44.093
31 and 9A.44.096); indecent liberties (RCW 9A.44.100); incest (RCW
32 9A.64.020); luring (RCW 9A.40.090); human trafficking in the first or
33 second degree (RCW 9A.40.100); commercial sexual abuse of a minor
34 (RCW 9.68A.100); promoting commercial sexual abuse of a minor (RCW
35 9.68A.101); any class A or B felony that is a sexually motivated
36 offense as defined in RCW 9.94A.030; a felony violation of RCW
37 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a
38 criminal attempt, solicitation, or conspiracy to commit one of those
39 offenses.

1 (3) In case the defendant has been convicted of a felony, and has
2 been unable to obtain release pending the appeal by posting an appeal
3 bond, cash, adequate security, release on personal recognizance, or
4 any other conditions imposed by the court, the time the defendant has
5 been imprisoned pending the appeal shall be deducted from the term
6 for which the defendant was sentenced, if the judgment is affirmed.

--- END ---