

SCLCrR 3.2 RELEASE OF THE ACCUSED

Comments

Commenter: Snohomish County Prosecutor's Office

Date Received: 6/8/2021

Comment:

They struck language that notice needs to be provided to the opposing party two court days before. This should be obvious but since it's become an issue more recently—it would be nice to include language that notice must be given to the opposing party at the same time the matter is noted. It would also be good to clarify that briefing must be filed at the time of noting the motion—this is implied when it says working copies should be provided with the calendar note but I've had defense attorneys not file briefing until after they've short-set something and provide it less than 24 hours in advance.

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Date Received: 6/8/2021

Comment:

Subsection (j) – I still have a problem with this rule not including all domestic violence offenses that aren't a "violent offense" under the RCW. We need time to notify the victim.

Commenter: Snohomish County Prosecutor's Office

Date Received: 6/8/2021

Comment:

Unless it's an agreed release, all bail review hearings should be put on the motions calendar. I don't think I've seen a BRH last less than 10 minutes... Ever.

Commenter: Kathleen Kyle

Date Received: 6/11/2021

Comment:

SCPDA is encouraged at the clear guidance the rule provides regarding time and scheduling of bail motions. However, the rule should contain a provision requiring that any responsive pleading or records that will be relied on in opposition be provided to defense counsel prior to the bail hearing as well. The response/records disclosure could be 24 hours prior to the hearing in the matter of violence and sex cases, and as soon as possible – with a minimum of 4 hours prior to the hearing – in cases of non-violent matters. This would streamline the hearing by ensuring that defense counsel is able to provide an informed response to information that will be relied upon by the State in opposing bail motions.