

SECOND REGULAR SESSION

HOUSE BILL NO. 1066

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HARRIS (23).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3754L.01I

AN ACT

To repeal sections 544.671 and 547.170, RSMo, and to enact in lieu thereof two new sections relating to bail.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 544.671 and 547.170, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 544.671 and 547.170, to read as follows:

544.671. Notwithstanding any supreme court rule or judicial ruling to the contrary, no
2 defendant under a sentence of death or imprisonment in the penitentiary for life, or [a] **any**
3 sentence of imprisonment for a violation of section 195.222, 565.021, or 565.050, RSMo, [or
4 subsection 1 of] section 566.030, **566.032, 566.040, 566.060, 566.062, 566.070, or 566.100,**
5 **RSMo, and no defendant who has pled guilty to or been found guilty of any sexual offense**
6 **under chapter 566, RSMo, where the victim was less than seventeen years of age at the time**
7 **the crime was committed, any sexual offense under chapter 568, RSMo, where the victim**
8 **was less than seventeen years of age at the time the crime was committed, or any**
9 **pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035,**
10 **573.037, and 573.040, RSMo,** shall be entitled to bail pending appeal after June 29, 1994.
11 Pursuant to the prerogative of the general assembly to declare the public policy of this state in
12 matters regarding criminal liability of persons and to enact laws relating to judicial procedure,
13 the general assembly declares that subsequent to June 29, 1994, no person shall be entitled to bail
14 or continuation of bail pursuant to section 547.170, RSMo, if that person is under a sentence of
15 death or imprisonment in the penitentiary for life, or [a] **any** sentence of imprisonment for a

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 violation of section 195.222, 565.021, or 565.050, RSMo, [or subsection 1 of] section 566.030,
17 **566.032, 566.040, 566.060, 566.062, 566.070, or 566.100, RSMo, and no defendant who has**
18 **pled guilty to or been found guilty of any sexual offense under chapter 566, RSMo, where**
19 **the victim was less than seventeen years of age at the time the crime was committed, any**
20 **sexual offense under chapter 568, RSMo, where the victim was less than seventeen years**
21 **of age at the time the crime was committed, or any pornographic offense involving a minor**
22 **as set forth in sections 573.023, 573.025, 573.035, 573.037, and 573.040, RSMo.**

547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in
2 a criminal cause, except where the defendant is under sentence of death or imprisonment in the
3 penitentiary for life, or [a] **any** sentence of imprisonment for a violation of sections 195.222,
4 RSMo, 565.021, RSMo, 565.050, RSMo, [subsections 1 and 2 of] section 566.030, 566.032,
5 566.040, 566.060, 566.062, 566.070, 566.100, RSMo, **or where the defendant has entered a**
6 **plea of guilty to or been found guilty of any sexual offense under chapter 566, RSMo,**
7 **where the victim was less than seventeen years of age at the time the crime was committed,**
8 **any sexual offense under chapter 568, RSMo, where the victim was less than seventeen**
9 **years of age at the time the crime was committed, or any pornographic offense involving**
10 **a minor as set forth in sections 573.023, 573.025, 573.035, 573.037, and 573.040, RSMo, any**
11 court or officer authorized to order a stay of proceedings under the preceding provisions may
12 allow a writ of habeas corpus, to bring up the defendant, and may thereupon let him to bail upon
13 a recognizance, with sufficient sureties, to be approved by such court or judge.