

FIRST REGULAR SESSION

HOUSE BILL NO. 858

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1st time February 14, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2065L.01I

AN ACT

To amend chapter 544, RSMo, by adding thereto three new sections relating to the citizens' right to know act.

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

Section A. Chapter 544, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 544.700, 544.703, and 544.706, to read as follows:

544.700. 1. Sections 544.700 to 544.706 shall be known and may be cited as the
2 **"Citizens' Right to Know Act of 2007".**

3 **2. As used in sections 544.700 to 544.706, the following terms shall mean:**

4 **(1) "Annual report", a report prepared by a pretrial release agency that accurately**
5 **summarizes the effectiveness of such agency's use of public funds;**

6 **(2) "Nonsecured release", any release of a defendant from pretrial custody where**
7 **no financial guarantee is required as a condition of such release;**

8 **(3) "Pretrial release agency", any government-funded program whose function**
9 **includes making recommendations for the nonsecured release of criminal defendants or**
10 **for the release of criminal defendants on the partial deposit of bail amount;**

11 **(4) "Register", a public record prepared by the pretrial release agency readily**
12 **available in the clerk's office of the courthouse which displays the required data;**

13 **(5) "Secured release", any release of a defendant from pretrial custody where a**
14 **financial guarantee, such as cash or surety bond, is required as a condition of such release.**

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.

544.703. 1. The pretrial release agency in each county of this state shall prepare a register displaying information regarding the cases and defendants who are recommended for release by such agency. The register shall be located in the clerk's office of the court in which the pretrial release agency is located and the register shall be readily available to the public.

2. The register shall be updated on a weekly basis and shall display accurate information regarding the following information for each defendant whose nonsecured release was recommended by the pretrial release agency:

- (1) The charge against the defendant;**
- (2) The nature of any prior relevant criminal convictions against the defendant;**
- (3) Court appearances required;**
- (4) Any missed court dates;**
- (5) Any bench warrants issued; and**
- (6) Any instance of noncompliance.**

544.706. 1. Prior to the end of the first quarter of each calendar year, every pretrial release agency in each county of this state shall submit an annual report to the office of state courts administrator for the prior calendar year.

2. The annual report shall contain, but not be limited to, the following information:

- (1) The complete operating budget of the pretrial release agency;**
- (2) The number of personnel employed by the pretrial release agency;**
- (3) The total number of release recommendations made by the pretrial release agency;**
- (4) The total number of cases reviewed by the pretrial release agency;**
- (5) The total number of cases in which nonsecured release was denied by the pretrial release agency;**
- (6) The number of defendants released on nonsecured release after a positive recommendation by the pretrial release agency;**
- (7) The average period of time the defendant is incarcerated before being released on recommendation by the pretrial release agency, with the statistics classified as felonies and misdemeanors;**
- (8) The total number of cases where the defendant was released on nonsecured release after a positive recommendation by the pretrial release agency and the defendant had at least one missed court date within one year of the date of release;**
- (9) The total number of cases where a defendant was released on a nonsecured release after a positive recommendation by the pretrial release agency and a bench warrant was issued by the court on the defendant's failure to appear on a nonsecured release;**

23 **(10) The total number of cases where a defendant was released on a nonsecured**
24 **release after a positive recommendation by the pretrial release agency and a bench warrant**
25 **was issued by the court but remained unserved after one year; and**

26 **(11) The total number of cases where a defendant was released on a nonsecured**
27 **release after a positive recommendation by the pretrial release agency and a warrant was**
28 **issued for the defendant after his or her release for additional criminal charges within one**
29 **year.**

30 **3. The annual report shall also contain an accounting of the percentage of the**
31 **pretrial release agency's budget which is allocated to steering defendants eligible for**
32 **secured release toward obtaining their own release through nongovernment-sponsored**
33 **programs.**

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