

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By \_\_\_\_\_

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 9,  
Section 221.105, Line 42, by after all of said section and line inserting the following:

“544.455. 1. Any person charged with a bailable offense, at his or her appearance before  
an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of  
the proceedings against him on his personal recognizance, unless the associate circuit judge or  
judge determines, in the exercise of his discretion, that such a release will not reasonably assure  
the appearance of the person as required. When such a determination is made, the associate  
circuit judge or judge may either in lieu of or in addition to the above methods of release, impose  
any or any combination of the following conditions of release which will reasonably assure the  
appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to  
supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the  
period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of  
cash in lieu thereof by a defendant or a third party; however, under article I, section 20 of the  
Missouri Constitution, the court shall accept in lieu of a cash only bond a guarantee from any  
surety who is in compliance with general laws regulating such profession;

(4) Require the person to report regularly to some officer of the court, or peace officer, in  
such manner as the associate circuit judge or judge directs;

(5) [Require the execution of a bond in a given sum and the deposit in the registry of the

1 court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable  
2 bonds of the United States or of the state of Missouri or any political subdivision thereof;

3 (6)] Place the person on house arrest with electronic monitoring, except that all costs  
4 associated with the electronic monitoring shall be charged to the person on house arrest. If the  
5 judge finds the person unable to afford the costs associated with electronic monitoring, then the  
6 judge shall not order that the person be placed on house arrest with electronic monitoring;

7 [(7)] (6) Impose any other condition deemed reasonably necessary to assure appearance as  
8 required, including a condition requiring that the person return to custody after specified hours.

9 2. In determining which conditions of release will reasonably assure appearance, the  
10 associate circuit judge or judge shall, on the basis of available information, take into account the  
11 nature and circumstances of the offense charged, the weight of the evidence against the accused,  
12 the accused's family ties, employment, financial resources, character and mental condition, the  
13 length of his residence in the community, his record of convictions, and his record of appearance  
14 at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

15 3. An associate circuit judge or judge authorizing the release of a person under this  
16 section shall issue an appropriate order containing a statement of the conditions imposed, if any,  
17 shall inform such person of the penalties applicable to violations of the conditions of his release  
18 and shall advise him that a warrant for his arrest will be issued immediately upon any such  
19 violation.

20 4. A person for whom conditions of release are imposed and who after twenty-four hours  
21 from the time of the release hearing continues to be detained as a result of his inability to meet the  
22 conditions of release, shall, upon application, be entitled to have the condition reviewed by the  
23 associate circuit judge or judge who imposed them. The motion shall be determined promptly.

24 5. An associate circuit judge or judge ordering the release of a person on any condition specified  
25 in this section may at any time amend his order to impose additional or different conditions of  
26 release; except that, if the imposition of such additional or different conditions results in the

1 detention of the person as a result of his inability to meet such conditions or in the release of the  
2 person on a condition requiring him to return to custody after specified hours, the provisions of  
3 subsection 4 of this section shall apply.

4 6. Information stated in, or offered in connection with, any order entered pursuant to this  
5 section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

6 7. Nothing contained in this section shall be construed to prevent the disposition of any  
7 case or class of cases by forfeiture of collateral security where such disposition is authorized by  
8 the court.

9 8. Persons charged with violations of municipal ordinances may be released by a  
10 municipal judge or other judge who hears and determines municipal ordinance violation cases of  
11 the municipality involved under the same conditions and in the same manner as provided in this  
12 section for release by an associate circuit judge.

13 9. A circuit court may adopt a local rule authorizing the pretrial release on electronic  
14 monitoring pursuant to subdivision (5) of subsection 1 of this section in lieu of incarceration of  
15 individuals charged with offenses specifically identified therein. “; and  
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18 Further amend said bill by amending the title, enacting clause, and intersectional references  
19 accordingly.