

FIRST REGULAR SESSION

HOUSE BILL NO. 1063

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLOCK (123).

2219H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 544.455, RSMo, and to enact in lieu thereof one new section relating to bail bonds.

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

Section A. Section 544.455, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.455, to read as follows:

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 Constitution of Missouri, 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;**

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.

18 (4) Require the person to report regularly to some officer of the court, ~~or~~ peace officer,
19 **or a private pretrial court services company contracted by the court that has been**
20 **approved by the office of state courts administrator** in such manner as the associate circuit
21 judge or judge directs;

22 (5) Require the execution of a bond in a given sum and the deposit in the registry of the
23 court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable
24 bonds of the United States or of the state of Missouri or any political subdivision thereof;
25 **however, in compliance with Article I, Section 20 of the Constitution of Missouri, upon**
26 **acceptance of the ten percent, or such lesser percent as the judge directs, the court shall be**
27 **designated as the legally responsible surety for the full amount of the bond set, subject to**
28 **the same procedures and penalties as required by professional surety agents. Upon**
29 **judgment of a bail bond forfeiture, moneys shall be dispersed in the same manner as a**
30 **judgment that is paid by a professional surety;**

31 (6) Place the person on house arrest with electronic monitoring; except that all costs
32 associated with the electronic monitoring shall be charged to the person on house arrest. If the
33 judge finds the person unable to afford the costs associated with electronic monitoring, the judge
34 may order that the person be placed on house arrest with electronic monitoring if the county
35 commission agrees to pay from the general revenue of the county the costs of such monitoring.
36 If the person on house arrest is unable to afford the costs associated with electronic monitoring
37 and the county commission does not agree to pay the costs of such electronic monitoring, the
38 judge shall not order that the person be placed on house arrest with electronic monitoring;

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

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

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

52 4. A person for whom conditions of release are imposed and who after twenty-four hours
53 from the time of the release hearing continues to be detained as a result of his inability to meet

54 the conditions of release, shall, upon application, be entitled to have the condition reviewed by
55 the associate circuit judge or judge who imposed them. The motion shall be determined
56 promptly.

57 5. An associate circuit judge or judge ordering the release of a person on any condition
58 specified in this section may at any time amend his order to impose additional or different
59 conditions of release; except that, if the imposition of such additional or different conditions
60 results in the detention of the person as a result of his inability to meet such conditions or in the
61 release of the person on a condition requiring him to return to custody after specified hours, the
62 provisions of subsection 4 of this section shall apply.

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

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

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

72 9. A circuit court may adopt a local rule authorizing the pretrial release on electronic
73 monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of
74 individuals charged with offenses specifically identified therein.

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