

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1063
100TH GENERAL ASSEMBLY

2219H.02C

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Section A. Section 544.455, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.455, to read as follows: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 that has been approved by the office of state**
20 **courts administrator and contracted by the court,** 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. **The**
25 **court shall be required to designate a person who shall confirm the value of the surety**
26 **bond. Upon judgment of a bail bond forfeiture, moneys shall be disbursed in the same**
27 **manner as a judgment that is paid by a professional surety;**

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

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

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

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

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

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

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

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

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

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

72 **10. A person serving as an associate circuit or a circuit judge, or a family member**
73 **of such person within the first degree of affinity or consanguinity, shall be prohibited from**
74 **owning a private pretrial court services company unless two years have elapsed since the**
75 **date the person has served as an associate circuit or a circuit judge.**

✓