

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1063
100TH GENERAL ASSEMBLY

2219H.04C

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Section A. Section 544.455, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.455, to read as follows: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]~~ a 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, the court shall accept in lieu of a cash only bond a guaranty from any surety who is in compliance with general laws regulating such profession. Cash only bonds involving child support enforcement, insufficient funds, and enforcing posttrial collections of court costs, fines, and restitution shall be excluded from the provisions of this subdivision;**

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.

19 (4) Require the person to report regularly to some officer of the court, ~~[or] peace officer,~~
20 ~~[in such manner as the associate circuit judge or judge directs]~~ **or a private pretrial court**
21 **services company;**

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 accept, in lieu of a percentage bond under this subdivision, a guaranty from any**
26 **surety properly licensed under the laws of Missouri in an amount equal to the percentage**
27 **the court required from the defendant or third party and confirm sufficient assets of a**
28 **private individual acting as the guaranty of the full amount of bond if a percentage of the**
29 **full amount of the bond in lieu thereof was accepted by the court. Upon judgment of a bail**
30 **bond forfeiture, moneys shall be disbursed in the same manner as a judgment that is paid**
31 **by a professional surety;**

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

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

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

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

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

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

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

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

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

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

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

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

✓