

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 212, Page 36,
2 Section 488.435, Line 48, by inserting after said section and line the following:

3
4 "544.453. Notwithstanding any provision of the law or court rule, the following shall apply
5 when a judge or judicial officer sets bail in all courts in Missouri and shall be applicable to all
6 offenses charged:

7 (1) When setting bail and conditions of release in Missouri, consideration of public safety
8 shall be given considerable weight;

9 (2) A release on one's own recognizance shall consist of the defendant's signature and
10 promise to appear in court as required and also to comply with all nonmonetary conditions of
11 release without having to post any cash, surety, or property as security or being required to later pay
12 the same upon failing to appear in court or comply with nonmonetary conditions of release;

13 (3) There shall be no presumptions in favor of release on one's own recognizance in any
14 category of offenses, specific offenses, or gradations of offenses. Judges shall have discretion to
15 release a defendant on his or her own recognizance if permitted by law;

16 (4) There shall be a presumption against release on one's own recognizance with or without
17 nonmonetary conditions of release that may be overcome by clear and convincing evidence that a
18 person is not a flight risk or danger to the community. In determining whether a person is a flight
19 risk or poses a danger to the community, the judge shall consider whether:

20 (a) A person has been convicted of a prior felony, sexual offense, or violent charge within
21 the past five years;

22 (b) A person is already on bond on a pending charge;

23 (c) A person is on probation or parole;

24 (d) A person has committed continuing or severe acts of arson, rioting, or looting, which
25 may endanger public safety if released;

26 (e) A person has failed to appear in court as required at any time in the previous three years;
27 and

28 (f) The results of a risk assessment tool or process, if available, indicate that the person is
29 not low risk;

30 (5) A judge shall set bail in a single monetary amount, which shall be fully secured by the
31 defendant in a method of the defendant's choosing, including cash, a ten percent cash bond to the
32 court, or a surety bond.

33 544.665. 1. In addition to the forfeiture of any security which was given or pledged for a
34 person's release, any person who, having been released upon a recognizance or bond pursuant to any
35 other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or
36 parole revocation, or any other stage of a criminal matter against him or her, knowingly fails to

Action Taken _____ Date _____

1 appear before any court or judicial officer as required shall be guilty of the ~~[crime]~~ offense of failure
 2 to appear, including a person who has been granted release pending trial and violates conditions of
 3 release imposed by the court by:

4 (1) Failing to appear for any court appearance;
 5 (2) Being arrested or formally charged with any new criminal offense; or
 6 (3) Violating any condition of release that the court has placed on the person to secure the
 7 appearance of the person at trial, or at any other stage of the criminal proceedings and to secure the
 8 safety of the community or other person, including but not limited to the crime victims and
 9 witnesses.

10 2. Failure to appear is:

11 (1) A class E felony if the criminal matter for which the person was released included a
 12 felony;
 13 (2) A class A misdemeanor if the criminal matter for which the person was released includes
 14 a misdemeanor or misdemeanors but no felony or felonies;
 15 (3) An infraction if the criminal matter for which the person was released includes only an
 16 infraction or infractions;
 17 (4) An infraction if the criminal matter for which the person was released includes only the
 18 violation of a municipal ordinance, provided that the sentence imposed shall not exceed the
 19 maximum fine which could be imposed for the municipal ordinance for which the accused was
 20 arrested.

21 3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its
 22 power to punish for contempt.

23 4. It shall be presumed that a person charged with a dangerous felony pursuant to section
 24 556.061 shall not appear upon a summons and poses a danger to a crime victim, the community, or
 25 any other person and upon a court finding of probable cause of a violation of this section, an arrest
 26 warrant shall be issued.

27 5. The filing of an information, complaint, or indictment, supported by probable cause that a
 28 person committed a dangerous felony pursuant to section 556.061, creates a rebuttable presumption
 29 that no combination of conditions will secure the safety of the community or other person, including
 30 but not limited to crime victims and witnesses, and the offender shall be detained pending trial.";
 31 and

32
 33 Further amend said bill, Page 41, Section 558.031, Line 34, by deleting said line and inserting in
 34 lieu thereof the following:

35
 36 "7. The provisions of subsection 2 of this section as enacted on August 28, 2021, shall be
 37 applicable to offenses occurring on or after August 28, 2021."; and

38
 39 Further amend said bill by amending the title, enacting clause, and intersectional references
 40 accordingly.