

HCS HB 820 -- RELEASE OF A DEFENDANT

SPONSOR: Evans

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for HB 820.

This bill specifies that a person charged with a bailable offense may be ordered released on his or her own recognizance unless the judge first determines that such release will not assure the defendant's appearance or that, if released on any charge or violation, the defendant would pose a danger to a crime victim, the community, any witness to the crime, or to any other person. When release on one's own recognizance will not reasonably assure appearance, the judge may impose any condition specified in the bill, including a condition established by rule of the Supreme Court of Missouri.

The bill adds to the list of existing factors a judge must consider when determining condition of release, the defendant's ability to pay, and any other factor or tool approved by rule or order of the Supreme Court of Missouri.

In determining whether a defendant poses a danger, the judge must consider all relevant evidence, including factors specified in the bill.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that there was an outcry several years ago from local sheriffs' departments about the change in bail rules by the Missouri Supreme Court. People came together and tried to change those rules in a positive way. The most important factor to consider for bail is whether the defendant poses a danger to the community, and, if the defendant is not a danger, the defendant should not have to sit in jail awaiting trial. This bill simply clarifies existing law. This does not require bond; it is just one of the many factors a judge may consider. Looking at the totality of the circumstances allows the judge to make a fair decision for the defendant and the community.

Testifying for the bill were Representative Evans; Tiffany L Marler, Nomoretears21:4; Arnie Dienoff; Missouri Association of Prosecuting Attorneys; and the Missouri Office of Prosecution

Services..

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.