

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill Nos. 994, 52 & 984, Page 13, Section  
2 544.453, Line 13, by inserting after said section and line the following:

3  
4 "544.700. 1. Sections 544.700 to 544.736 shall be known and may be cited as the "Money  
5 Bail Reform Act of 2019".

6 2. As used in sections 544.700 to 544.736, the following terms shall mean:

7 (1) "Feloniously obtained", any consideration, pledge, security, deposit, or indemnification  
8 paid, given, made, or promised for its execution that is possessed, received, or obtained through an  
9 unlawful act, transaction, or occurrence constituting a felony;

10 (2) "Pretrial risk assessment tool", the objective, standardized analysis of information about  
11 an arrested person that accurately measures the person's probability of appearing in court as required  
12 and the person's potential risk of criminal conduct while on pretrial release pending trial;

13 (3) "Pretrial services agency" or "pretrial services agent", an agency or agent responsible for  
14 gathering information about newly arrested defendants and preparing the recommendations  
15 considered by the court in deciding release options;

16 (4) "Pretrial services report", a report containing the results of the pretrial risk assessment  
17 tool and the pretrial services agency's recommendations on conditions of release;

18 (5) "Validated", developed through peer-reviewed research and statistical analysis and  
19 proven to produce results that are accurate, based on the characteristics of the population being  
20 assessed, in predicting the likelihood that a person will fail to appear for trial or act as a threat to the  
21 safety of the community during the period of time between the initial arrest and the subsequent trial  
22 for the offense.

23 544.702. 1. (1) Except as provided in subdivision (2) of this subsection, the defendant shall  
24 in all cases be taken before the magistrate without unnecessary delay, and, in any event, within  
25 forty-eight hours after his or her arrest, excluding Sundays and holidays.

26 (2) If the forty-eight hours prescribed by subdivision (1) of this subsection expires at a time  
27 when the court in which the magistrate is sitting is not in session, that time shall be extended to  
28 include the duration of the next court session on the judicial day immediately following. If the  
29 forty-eight-hour period expires at a time when the court in which the magistrate is sitting is in  
30 session, the arraignment may take place at any time during that session. However, if the defendant's  
31 arrest occurs on a Wednesday after the conclusion of the day's court session, or if the arrest occurs at  
32 any time on a Wednesday and if the Wednesday is a court holiday, the defendant shall be taken  
33 before the magistrate no later than Friday, if the Friday is not a court holiday. If the Friday is a court  
34 holiday, the defendant shall be taken before the magistrate no later than the Thursday immediately  
35 following the Wednesday arrest.

36 2. After the arrest, any attorney entitled to practice in the state of Missouri may, at the

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1 request of the detainee or any relative of the detainee, visit the detainee. Any officer having charge  
2 of the detainee who willfully refuses or neglects to allow that attorney to visit a detainee is guilty of  
3 a misdemeanor.

4 Any officer having a detainee in charge, who refuses to allow the attorney to visit the detainee when  
5 proper application is made, shall forfeit and pay to the party aggrieved the sum of five hundred  
6 dollars, to be recovered by action in any court of competent jurisdiction.

7 544.704. 1. The taking of monetary bail consists in the acceptance, by a competent court or  
8 magistrate, of the undertaking of sufficient monetary bail for the appearance of the defendant,  
9 according to the terms of the undertaking, or that the bail will pay to the people of this state a  
10 specified sum. Upon filing, the clerk shall enter the date and amounts of the bond, the defendant's  
11 name, and, if applicable, the name or names of the surety or sureties thereon. In the event of the  
12 loss or destruction of such the bond, the entries so made shall be prima facie evidence of the due  
13 execution of the bond as required by law.

14 2. If any bail bond has been deposited in any criminal action; proceeding in a municipal,  
15 associate, or circuit court; or in any proceeding in habeas corpus, and it is made to appear to the  
16 satisfaction of the court by affidavit or by testimony in open court that more than three years have  
17 elapsed since the exoneration or release of the bail, the court shall direct that the bond be destroyed.

18 544.708. 1. The officer in charge of a jail in which an arrested person is held in custody; an  
19 officer of a sheriff's department or police department of a city who is in charge of a jail or is  
20 employed at a fixed police or sheriff's facility and is acting under an agreement with the agency that  
21 keeps the jail in which an arrested person is held in custody; an employee of a sheriff's department  
22 or police department of a city who is assigned by the department to collect bail; the clerk of the  
23 court of the county or a city not within a county in which the offense was alleged to have been  
24 committed; a pretrial services agent; and the clerk of the court in which the case against the  
25 defendant is pending may approve and accept an order authorizing pretrial release or admitting to  
26 bail, issue and sign an order for the release of the arrested person, and set a time and place for the  
27 appearance of the arrested person before the appropriate court and give notice thereof.

28 2. A person who is arrested and booked into jail for a dangerous felony, as defined in section  
29 556.061, shall not be considered for release until the person appears before a judge or magistrate for  
30 a hearing in accordance with section 544.714 or 544.716. The pretrial services agency shall not  
31 conduct a risk assessment or prepare a pretrial services report for any person who is arrested and  
32 booked into jail for a dangerous felony except in accordance with subsection 6 of section 544.714.

33 3. The pretrial services agency shall, within twenty-four hours of arrest, conduct a risk  
34 assessment on a person arrested and booked into jail and prepare a pretrial services report with  
35 recommendations for conditions of release.

36 4. Except as provided in subsections 2 of this section, if a person is arrested and booked into  
37 jail, the pretrial services agency shall, immediately upon booking and, except if physically  
38 impossible, no later than twenty-four hours after booking, conduct a pretrial risk assessment on the  
39 person and prepare a pretrial services report with recommendations for conditions of release.

40 5. Except as otherwise provided in subsections 3 and 6 of this section, a person who is  
41 arrested and booked for a misdemeanor shall be released by the pretrial services agency subject to  
42 signing a release agreement under section 544.730 without further conditions. A person who is  
43 arrested and booked for a misdemeanor and who is currently on pretrial release with or without  
44 conditions may be considered for release under subsection 6 of this section.

45 6. (1) Except as otherwise provided in subsections 2, 3, and 5 of this section, upon  
46 completion of the pretrial risk assessment and preparation of a pretrial services report with  
47 recommendations for conditions of release, the pretrial services agency shall immediately transmit  
48 the pretrial services report and recommendations on conditions of release to a magistrate, judge, or  
49 family court commissioner. The magistrate, judge, or family court commissioner shall, no later than

1 forty-eight hours after receipt of the pretrial services agency's pretrial risk assessment and pretrial  
2 services report with recommendations for conditions of release, issue an oral or written order for  
3 release subject to a release agreement under section 544.730 without further conditions or subject to  
4 a condition or conditions in accordance with section 544.714.

5 (2) If the pretrial services report prepared by the pretrial services agency is not available, the  
6 magistrate, judge, or family court commissioner shall release the person subject to a release  
7 agreement under section 544.730 without further conditions or subject to a condition or conditions  
8 in accordance with section 544.714. The fact that the court has not received the report required  
9 under this section shall not preclude release under this subdivision.

10 7. If an arrested person is released from custody under this section, the court in which the  
11 charge is pending may, upon a petition by either party alleging that there has been a change in  
12 circumstances, amend the release order to impose different or additional conditions of release at the  
13 time of arraignment.

14 8. If the judge or magistrate orders the pretrial release of a person under this section, the  
15 person shall be released with or without conditions in accordance with section 544.730.

16 9. An arrested person who is not released under this section shall be considered for release  
17 under section 544.714 or 544.716 within the time period prescribed in section 544.702.

18 544.710. If a defendant is arrested without a warrant for a bailable felony offense or for the  
19 misdemeanor offense of violating an order of protection and a peace officer has reasonable cause to  
20 believe that release subject to a release agreement under section 544.730 without further conditions  
21 is insufficient to ensure the defendant's appearance or to ensure the protection of a victim or family  
22 member of a victim, the peace officer shall, no later than twenty-four hours after the arrest, prepare a  
23 declaration under penalty of perjury setting forth the facts and circumstances in support of his or her  
24 belief and file it with a magistrate, as defined in section 544.010, in the county or a city not within a  
25 county in which the offense is alleged to have been committed or having personal jurisdiction over  
26 the defendant, requesting an order under subsection 6 of section 544.708 imposing a condition or  
27 conditions of release.

28 544.712. 1. (1) In making a pretrial release or detention decision under section 544.714 or  
29 544.716, a judge or magistrate shall take into consideration the protection of the public, the  
30 seriousness of the offense charged, the previous criminal record of the defendant, the probability of  
31 his or her appearing at trial or at a hearing of the case, and the presumption of innocence. The  
32 public safety, the safety of the victim, and the probability of the accused appearing in court as  
33 required shall be the primary considerations.

34 (2) In considering the seriousness of the offense charged, a judge or magistrate shall include  
35 consideration of the alleged injury to the victim, alleged threats to the victim or a witness to the  
36 crime charged, and the alleged use of a firearm or other deadly weapon in the commission of the  
37 crime charged.

38 (3) It shall be the duty of the court to determine what condition or conditions will ensure the  
39 safety of the community, secure the defendant's appearance at trial or at a hearing of the case, and  
40 facilitate pretrial release. If, under section 544.716, the court finds that no conditions will  
41 reasonably ensure the defendant's appearance in court or at a hearing of the court and protect public  
42 safety, the court shall issue an order with findings of fact and a statement explaining what condition  
43 or conditions it considered and why those conditions were inadequate.

44 2. The judge or magistrate shall make a pretrial release or detention decision for a person  
45 without unnecessary delay, and in any event, within the time period prescribed in section 544.702.

46 3. In making a pretrial release decision under section 544.714, the judge or magistrate shall  
47 consider the pretrial services agency's risk assessment, recommendations on conditions of release,  
48 and the pretrial services report in accordance with section 544.736. If a judge's or magistrate's  
49 release decision is not consistent with the pretrial services program's risk assessment and

1 recommendations on conditions of release, the judge or magistrate shall include in its order for  
2 release a statement of the reasons.

3 4. In making a pretrial detention decision following a detention hearing under section  
4 544.716, a judge or magistrate may determine whether the person meets the description of  
5 subsection 1 of section 544.716.

6 544.714. 1. Except as provided in subsection 6 of this section, at the arraignment of a  
7 person who is in custody, the judge or magistrate shall, after considering the pretrial services report  
8 with recommendations for conditions of release and any relevant information provided by the  
9 prosecuting attorney or the defendant, order the pretrial release of the person subject to a release  
10 agreement under section 544.730 without further conditions, unless the judge or magistrate  
11 determines that the release will not reasonably ensure the appearance of the person as required, the  
12 safety of the victim, or public safety. If the judge or magistrate releases the person subject to a  
13 release agreement under section 544.730 without further conditions, the reasons for that decision  
14 shall be stated in the record and included in the court's minutes.

15 2. (1) If, after considering the pretrial services report with recommendations for conditions  
16 of release and any relevant information provided by the prosecuting attorney or the defendant, the  
17 judge or magistrate determines that the release described in subsection 1 of this section will not  
18 reasonably ensure the appearance of the person as required, the safety of the victim, or public safety,  
19 the judge or magistrate shall order pretrial release subject to a release agreement under section  
20 544.730 and to the least restrictive further nonmonetary condition or conditions that the judge or  
21 magistrate determines will reasonably ensure the appearance of the person as required, the safety of  
22 the victim, and public safety. The judge or magistrate shall include in its release order findings of  
23 fact and a statement of the reasons for the determination that the release described in subsection 1 of  
24 this section is not appropriate and the reasons for imposing each condition that are specific to the  
25 person before the court.

26 (2) The judge or magistrate shall not be required to specify the reasons for ordering that the  
27 defendant be provided either of the following services upon release:

28 (a) A reminder notification to come to court; or

29 (b) Assistance with transportation to and from court.

30 (3) A person for whom any nonmonetary condition or combination of conditions is imposed  
31 shall not be required to pay for those conditions.

32 3. (1) If, after considering the pretrial services report with recommendations for conditions  
33 of release and any relevant information provided by the prosecuting attorney or the defendant, the  
34 judge or magistrate determines that the release described in subsection 2 of this section will not  
35 reasonably ensure the appearance of the person as required, the judge or magistrate shall set  
36 monetary bail as determined under subdivision (2) of this subsection. The court may also order  
37 monetary bail in combination with the least restrictive nonmonetary condition or combination of  
38 nonmonetary conditions that the judge or magistrate determines will reasonably ensure the  
39 appearance of the person as required, the safety of the victim, and public safety.

40 (2) (a) Monetary bail shall be set at the least restrictive level necessary to ensure the  
41 appearance of the defendant in court, as required. In setting monetary bail, the court shall conduct  
42 an inquiry into the person's ability to pay and shall make a finding that the defendant has the present  
43 ability to pay the amount of monetary bail set without substantial hardship.

44 (b) For the purposes of this subdivision, the following terms shall mean:

45 a. "Ability to pay", the defendant's present ability to pay a specified amount without  
46 borrowing money, obtaining a loan, or paying for a bond;

47 b. "Substantial hardship", a significant infringement on a defendant's ability to meet the  
48 basic necessities of life for himself or herself and his or her dependents. Such basic necessities  
49 include, but are not limited to, food, shelter, communication, clothing, transportation, medical and

1 dental care, child care, and education.

2 (3) A judge or magistrate shall not set monetary bail in an amount that results in the pretrial  
3 detention of a defendant because of his or her inability to pay.

4 4. If the defendant has not retained counsel, the court shall offer to appoint counsel to  
5 represent him or her at his or her arraignment. If the defendant requests that counsel be appointed,  
6 or if the court finds that the defendant is not competent to represent himself or herself, the court  
7 shall appoint counsel.

8 5. Except as provided in subsection 6 of this section, if the pretrial services report with  
9 recommendations for conditions of release is not available at the time the court makes a pretrial  
10 detention determination under this section, the court shall, consistent with this section, release the  
11 person on the least restrictive condition or conditions that will reasonably ensure the appearance of  
12 the person in court, the safety of the victim, and public safety, including without further conditions,  
13 if appropriate. The fact that the court has not received the report at the time of release consideration  
14 shall not preclude that release.

15 6. (1) For a defendant charged with a dangerous felony, as defined in section 556.061, the  
16 pretrial services agency shall conduct a pretrial risk assessment and prepare a pretrial services report  
17 only if the defendant, either directly or through counsel if the person is represented by counsel,  
18 requests a pretrial risk assessment and report.

19 (2) If the defendant requests a pretrial risk assessment, the assessment and report shall be  
20 completed within twenty-four hours, and within forty-eight hours, the defendant shall be considered  
21 for release under subsections 1, 2, and 3 of this section.

22 7. A defendant for whom conditions of release are imposed and who, five days after the  
23 imposition of the conditions, continues to be detained as a result of an inability to meet the  
24 conditions of release, shall be entitled to an automatic review of the conditions by the court. The  
25 defendant may waive this review.

26 544.716. 1. A prosecuting attorney may file a motion with the court at any time, including  
27 any time before or after a defendant's release under section 544.708, seeking the pretrial detention of  
28 the defendant in any of the following circumstances:

29 (1) The defendant is charged with an offense punishable by death and the prosecuting  
30 attorney alleges that the facts are evident or the presumption great;

31 (2) The defendant is charged with a felony offense involving acts of violence on another  
32 person or a felony sexual assault offense on another person and the prosecuting attorney alleges all  
33 of the following:

34 (a) The facts are evident or the presumption great;

35 (b) There is no condition or combination of conditions of pretrial release that would  
36 reasonably ensure the physical safety of another person or persons; and

37 (c) There is a substantial likelihood the defendant's release would result in great bodily harm  
38 to others; or

39 (3) The defendant is charged with a felony offense and the prosecuting attorney alleges all  
40 of the following:

41 (a) The facts are evident or the presumption great;

42 (b) The defendant has threatened another with great bodily harm;

43 (c) There is no condition or combination of conditions of pretrial release that would  
44 reasonably ensure the safety of the person who has been threatened; and

45 (d) There is a substantial likelihood that the defendant would carry out the threat if released.

46 2. (1) If a motion for pretrial detention is filed under subsection 1 of this section, a hearing  
47 shall be held before a magistrate or judge to determine whether to release the defendant pending  
48 trial unless the hearing is waived by the defendant, either directly or, if he or she is represented by  
49 counsel, through counsel. The defense attorney shall be given notice and a reasonable opportunity

1 to be heard on the matter. If the defendant does not have counsel, the court shall appoint counsel.  
2 The hearing shall be held within the time period prescribed in section 544.702, unless the hearing is  
3 held after arraignment, in which case the hearing shall be held within forty-eight hours, or unless  
4 waived by the defendant either directly or, if represented by counsel, through counsel.

5 (2) If the defendant waives a hearing under this section and a pretrial risk assessment was  
6 conducted and a pretrial services report was prepared, such assessment and report shall not be  
7 provided to the parties named in subdivision (2) of subsection 4 of section 544.734, and the  
8 defendant shall be ordered detained.

9 3. The defendant shall be afforded an opportunity to present witnesses, to cross-examine  
10 witnesses who appear at the hearing, and to present relevant evidence.

11 4. In determining whether the facts are evident or the presumption great as specified in  
12 subdivision (1), (2), or (3) of subsection 1 of this section, the finding of an indictment or information  
13 or a holding order shall not add to the strength of the proof or create a presumption that the facts are  
14 evident or the presumption great.

15 5. In making the determination whether there is a substantial likelihood that the defendant's  
16 release would result in great bodily harm to others, as specified in paragraph (c) of subdivision (2)  
17 of subsection 1 of this section, or whether there is a substantial likelihood that the defendant would  
18 carry out the threat of great bodily harm if released, as specified in paragraph (d) of subdivision (3)  
19 of subsection 1 of this section, the court shall consider all of the following:

20 (1) If any condition or combination of conditions of pretrial release would reasonably ensure  
21 the physical safety of another person or persons from great bodily harm;

22 (2) The nature and seriousness of the physical harm to any person or persons that might be  
23 posed by the defendant's release; and

24 (3) Any relevant history or facts about the defendant that directly correspond to whether his  
25 or her release is likely to result in great bodily harm to others, as specified in paragraph (c) of  
26 subdivision (2) of subsection 1 of this section, or to the threatened person, as specified in paragraph  
27 (d) of subdivision (2) of subsection 1 of this section.

28 6. In addition to the factors under subsection 5 of this section, the court shall consider all of  
29 the following:

30 (1) The protection of the public;

31 (2) The safety of the victim;

32 (3) The nature and circumstances of the offense charged;

33 (4) The weight of the evidence against the defendant;

34 (5) The previous criminal record of the defendant;

35 (6) The probability of the defendant appearing at the trial or hearing of the case; and

36 (7) The presumption of innocence and the presumption of release pending trial.

37 7. If after considering any relevant evidence provided by the prosecuting attorney or the  
38 defendant and if no condition or combination of conditions would reasonably ensure the safety of  
39 another person or persons from great bodily harm, the court shall order the person detained pending  
40 trial only if the court finds that the defendant meets one of the following descriptions:

41 (1) The defendant has been charged with an offense punishable by death and the facts are  
42 evident or the presumption great;

43 (2) The defendant has been charged with a felony offense involving an act of violence on  
44 another person, or a felony sexual assault offense on another person, the facts are evident or the  
45 presumption great, and the court finds based upon clear and convincing evidence that there is a  
46 substantial likelihood the person's release would result in great bodily harm to another person or  
47 persons; or

48 (3) The defendant has been charged with a felony offense, the facts are evident or the  
49 presumption great, and the court finds based on clear and convincing evidence that the person has

1 threatened another with great bodily harm in the charged case and that there is a substantial  
2 likelihood that the person would carry out the threat if released.

3 8. In a detention order issued under subsection 7 of this section, the court shall include  
4 findings of fact and a statement of the reasons for the detention, including the specific likelihood of  
5 great bodily harm, if applicable, and why no condition or conditions could reasonably mitigate that  
6 likelihood.

7 9. If the court does not order the pretrial detention of the person at the conclusion of the  
8 hearing under this section, pretrial services shall conduct a risk assessment and prepare a pretrial  
9 services report with recommendations for conditions of release and the court shall order the release  
10 of the person, with or without conditions, under section 544.714.

11 544.718. 1. Monetary bail shall not be accepted unless a judge or magistrate finds that no  
12 portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or  
13 promised for its execution was feloniously obtained.

14 2. A hold on the release of a defendant from custody shall only be ordered by a magistrate  
15 or judge if any of the following occurs:

16 (1) A peace officer, as defined in section 590.010, files a declaration executed under penalty  
17 of perjury setting forth probable cause to believe that the source of any consideration, pledge,  
18 security, deposit, or indemnification paid, given, made, or promised for its execution was  
19 feloniously obtained;

20 (2) A prosecutor files a declaration executed under penalty of perjury setting forth probable  
21 cause to believe that the source of any consideration, pledge, security, deposit, or indemnification  
22 paid, given, made, or promised for its execution was feloniously obtained. A prosecutor shall have  
23 absolute civil immunity for executing a declaration under this subdivision; or

24 (3) The magistrate or judge has probable cause to believe that the source of any  
25 consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its  
26 execution was feloniously obtained.

27 3. Once a magistrate or judge has determined that probable cause exists, as provided in  
28 subsection 2 of this section, a defendant bears the burden by a preponderance of the evidence to  
29 show that no part of any consideration, pledge, security, deposit, or indemnification paid, given,  
30 made, or promised for its execution was obtained by felonious means. Once a defendant has met  
31 that burden, the magistrate or judge shall release the hold previously ordered and the defendant shall  
32 be released under the authorized amount of bail.

33 4. The defendant and his or her attorney shall be provided with a copy of the declaration of  
34 probable cause filed under subsection 2 of this section no later than the date set forth under section  
35 544.702.

36 5. Nothing in this section shall prohibit a defendant from obtaining a loan of moneys so long  
37 as the loan is funded and repaid with funds not feloniously obtained.

38 6. At the request of any person providing any portion of the consideration, pledge, security,  
39 deposit, or indemnification paid, given, made, or promised for its execution, the magistrate or judge,  
40 at an evidentiary hearing to determine the source of the funds, may close it to the general public to  
41 protect the person's right to privacy in his or her financial affairs.

42 7. If the declaration, having been filed with a magistrate or judge, is not acted on within  
43 twenty-four hours, the defendant shall be released from custody upon posting of the amount of bail  
44 set.

45 8. Nothing in sections 544.700 to 544.736 shall deny the right of the defendant, either  
46 personally or through his or her attorney; bail agent or surety recovery agent licensed by the  
47 department of insurance, financial institutions and professional registration; friend; or member of his  
48 or her family from making an application to the magistrate or judge for the release of the defendant  
49 on monetary bail.

1           9. The bail of any defendant found to have willfully misled the court regarding the source of  
 2 bail may be increased as a result of the willful misrepresentation, so long as the amount conforms  
 3 with subsection 3 of section 544.714. The misrepresentation may be a factor considered in any  
 4 subsequent bail hearing.

5           10. If a defendant has met the burden under subsection 3 of this section, and the defendant  
 6 shall be released from custody upon the issuance of a bail bond issued under authority of section  
 7 544.704 by any surety recovery agent or any bail agent, the magistrate or judge shall vacate the  
 8 holding order imposed under subsection 2 of this section upon the condition that the consideration  
 9 for the bail bond is approved by the court.

10           544.720. If the defendant has been held to answer upon an examination for an offense,  
 11 pretrial release under section 544.714 or admission to bail may be by the magistrate by whom he or  
 12 she is so held or by any magistrate who has power to issue the writ of habeas corpus.

13           544.722. 1. Upon a finding that monetary bail should be set under subsection 3 of section  
 14 544.714, the defendant may execute an unsecured appearance bond or a secured bond in the amount  
 15 specified by the court. The court may require, and the defendant may request, that an unsecured  
 16 appearance bond be signed by uncompensated third parties. For the purposes of this subsection,  
 17 "unsecured appearance bond" means an order to release a person upon his or her promise to appear  
 18 in court and his or her unsecured promise to pay an amount of moneys, specified by the court, if he  
 19 or she fails to appear as promised.

20           2. A secured bond is put in by a written undertaking, executed by two sufficient sureties,  
 21 with or without the defendant, in the discretion of the magistrate, and acknowledged before the court  
 22 or magistrate, in substantially the following form:

23           "An order having been made on the \_\_\_ day of \_\_\_, 20 \_\_\_, by \_\_\_, a judge of the \_\_\_  
 24 Court of \_\_\_ County, that \_\_\_ be held to answer upon a charge of \_\_\_ (stating briefly the nature of  
 25 the offense), upon which he or she has been admitted to bail in the sum of \_\_\_ dollars (\$ \_\_\_);  
 26 we, \_\_\_ and \_\_\_, of \_\_\_ (stating their place of residence and occupation), hereby undertake that  
 27 the above-named \_\_\_ will appear and answer any charge in any accusatory pleading based upon  
 28 the acts supporting the charge above mentioned, in the court it may be prosecuted, and will at all  
 29 times hold himself or herself amenable to the orders and process of the court, and if convicted, will  
 30 appear for pronouncement of judgment or grant of probation, or if he or she fails to perform either  
 31 of these conditions, that we will pay to the people of the State of Missouri the sum of \_\_\_ dollars  
 32 (\$ \_\_\_) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond  
 33 be ordered by the court, judgment may be summarily made and entered forthwith against the said  
 34 \_\_\_ (naming the sureties), and the defendant if he or she be a party to the bond, for the amount of  
 35 their respective undertakings herein."

36           3. Every undertaking of bail shall contain the bail agent license number of the owner of the  
 37 bail agency issuing the undertaking along with the name, address, and phone number of the agency,  
 38 regardless of whether the owner is an individual, partnership, or corporation. The bail agency name  
 39 on the undertaking shall be a business name approved by the director of the department of  
 40 insurance, financial institutions and professional registration for use by the bail agency owner and  
 41 be so reflected in the public records of such director. The license number of the bail agent appearing  
 42 on the undertaking shall be in the same type size as the name, address, and phone number of the  
 43 agency.

44           544.724. If the offense charged is not punishable by death, the officer serving the bench  
 45 warrant shall, if required, take the defendant before a magistrate in the county or city not within a  
 46 county in which it is issued, or in which he or she is arrested, for the purpose of a pretrial release  
 47 hearing. If the defendant appears before the magistrate without the bench warrant having been  
 48 served upon him or her, the magistrate shall deliver him or her into the custody of the sheriff for the  
 49 purpose of immediate booking and the recording of identification data, whereupon the sheriff shall

1 deliver the defendant back before the magistrate for the purpose of a pretrial release hearing.

2 544.726. 1. After a defendant has been released from custody upon an indictment or  
3 information under section 544.714, the court in which the charge is pending may, upon a change in  
4 circumstances, amend the release order to change the conditions of release, including the amount of  
5 any monetary bail. If, upon motion of the prosecuting attorney, the amount of monetary bail is  
6 increased, the court shall set bail in accordance with subsection 3 of section 544.714. If the  
7 defendant requests a change in the conditions of release, notice of the request shall be served upon  
8 the prosecuting attorney.

9 2. A defendant who has violated the terms or conditions of release ordered by the court may  
10 be held in contempt of court upon motion of the prosecuting attorney. An order of contempt shall  
11 not be issued unless, after a hearing, the court finds both of the following:

12 (1) That there is either of the following:

13 (a) Probable cause to believe that the defendant has committed a federal, state, or local  
14 crime while on pretrial release; or

15 (b) Evidence that the defendant has violated any condition of release; and

16 (2) That either of the following:

17 (a) There is no condition or combination of conditions of release that would reasonably  
18 ensure that the defendant will not flee or pose a danger to any other person or the community; or

19 (b) The defendant is unlikely to abide by any condition or combination of conditions of  
20 release.

21 3. If the defendant has not retained counsel, the court shall offer to appoint counsel for  
22 purposes of this section. If the defendant requests that counsel be appointed, or if the court finds  
23 that the defendant is not competent to represent himself or herself, the court shall appoint counsel.

24 544.728. 1. The defendant, at any time after an order admitting defendant to bail under  
25 section 544.714, instead of giving bail may deposit, with the clerk of the court in which the  
26 defendant is held to answer or notified to appear for arraignment, the sum mentioned in the order or  
27 a percentage of the sum mentioned in the order, not to exceed ten percent, and, upon delivering to  
28 the officer in whose custody defendant is a certificate of the deposit, the defendant shall be  
29 discharged from custody.

30 2. If more than one deposit is made with respect to any charge in any accusatory pleading  
31 based upon the acts supporting the original charge as a result of which an earlier deposit was made,  
32 the defendant shall receive credit in the amount of any earlier deposit.

33 544.730. The defendant shall not be released from custody under his or her own  
34 recognizance with no further conditions, or released with a further condition or conditions, until the  
35 defendant files with the clerk of the court or other person authorized to accept bail a signed release  
36 agreement that includes the following:

37 (1) The defendant's promise to appear at all times and places, as ordered by the court or  
38 magistrate and as ordered by any court in which, or any magistrate before whom, the charge is  
39 subsequently pending;

40 (2) The defendant's promise to obey all reasonable conditions imposed by the court or  
41 magistrate;

42 (3) The defendant's promise not to depart this state without leave of the court;

43 (4) Agreement by the defendant to waive extradition if the defendant fails to appear as  
44 required and is apprehended outside of the state of Missouri; and

45 (5) The acknowledgment of the defendant that he or she has been informed of the  
46 consequences and penalties applicable to violation of the conditions of release.

47 544.732. 1. Each county or city not within a county shall establish a pretrial services  
48 agency. Such agency shall be responsible for gathering information about newly arrested  
49 defendants, conducting risk assessments on pretrial defendants, preparing individually tailored

1 recommendations to the court regarding release options and conditions, and providing pretrial  
 2 services and supervision to defendants on pretrial release. Pretrial services agencies shall do all of  
 3 the following:

4 (1) Use methods that research has proven to be effective in reducing unnecessary detention  
 5 while assuring court appearance and the safety of the community during the pretrial stage;

6 (2) Assist defendants on pretrial release in remaining free from custody and to employ the  
 7 least restrictive interventions and practices;

8 (3) Ensure that services provided are culturally and linguistically competent; and

9 (4) Ensure that all policies and practices are developed and applied to reduce or eliminate  
 10 bias based on race, ethnicity, national origin, immigration status, gender, religion, and sexual  
 11 orientation.

12 2. The pretrial services agency shall follow any established standards and guidelines, as well  
 13 as current best practices and standards for pretrial services agencies and professionals.

14 3. Pretrial services agencies shall make every effort to assist pretrial defendants with  
 15 complying with their conditions of release and to address noncompliance with pretrial services  
 16 requirements administratively.

17 4. Pretrial services agencies shall, at a minimum, notify released defendants of their court  
 18 dates.

19 5. In carrying out their duties, pretrial services agencies may do any of the following:

20 (1) Through appropriate referral, and at the request of a defendant, assist a defendant  
 21 released pretrial to access medical, legal, and social services that would increase the chances of  
 22 successful compliance with conditions of pretrial release; or

23 (2) Coordinate the services of community release projects, other agencies, nonprofit  
 24 organizations, or individuals that serve as third-party custodians for released defendants.

25 6. If ordered by the court, a pretrial service agency shall monitor the compliance of released  
 26 defendants with ordered release conditions through appropriate supervision. In supervising pretrial  
 27 defendants, pretrial services agencies shall utilize the least restrictive interventions and practices to  
 28 promote compliance with court-ordered conditions.

29 544.734. 1. The pretrial risk assessment tool shall meet all of the following specifications:

30 (1) It shall be objective, standardized, and developed based on analysis of empirical data  
 31 and risk factors relevant to the risk of failure to appear in court when required and the risk to public  
 32 safety;

33 (2) It shall be consistent with and guided by current research and evidence-based best  
 34 practices;

35 (3) It shall be regularly validated according to current best practices and standards to ensure  
 36 that it accurately predicts risk of failure to appear in court and risk to public safety;

37 (4) It shall be regularly validated and adjusted, as appropriate, to ensure that the assessment  
 38 instrument is equally accurate across all racial groups, ethnic groups, and genders. The validation  
 39 study shall include testing for predictive bias and disparate results by race, ethnicity, and gender.  
 40 The tool shall be adjusted to ensure accuracy and to minimize disparate results;

41 (5) It shall not include race, ethnicity, national origin, immigration status, gender, religion,  
 42 sexual orientation, education level, employment status, socioeconomic status, arrests that did not  
 43 lead to conviction, or housing status as factors used in assessing risk or determining a risk score or  
 44 level;

45 (6) It shall not give undue weight to factors such as criminal history and other factors that  
 46 correlate with race and class;

47 (7) It shall not require an in-person interview of an arrested person; and

48 (8) It shall distinguish between failure to appear and willful failure to appear.

49 2. If, prior to August 28, 2019, a county or city not within a county is using a pretrial risk

1 assessment tool, the county or city not within a county may elect to continue using that pretrial risk  
 2 assessment tool, provided the tool meets the requirements of subsection 1 of this section.

3 3. Under sections 544.708 and 544.714, the pretrial services agency shall conduct a pretrial  
 4 risk assessment using the selected pretrial risk assessment tool.

5 4. (1) The pretrial services agency shall prepare a pretrial services report following the  
 6 administration of the pretrial risk assessment tool that contains the results of the pretrial risk  
 7 assessment tool, the offense charged, and a recommendation for release under section 544.730  
 8 without further conditions or release subject to the least restrictive further condition or conditions  
 9 that will reasonably ensure the arrested person's appearance in court as required and public safety.

10 (2) The pretrial services agency shall provide copies of its report to the court, the  
 11 prosecuting attorney, and to counsel for the arrested person or, if the person is not represented, to the  
 12 defendant.

13 (3) The report shall not be used for any purpose other than that provided for in this section  
 14 and sections 544.708 and 544.714.

15 5. Judges, magistrates, and commissioners who make pretrial release decisions shall be  
 16 trained in the proper use of the information contained in a pretrial services report, including the  
 17 results of the risk assessment.

18 6. Pretrial services staff who administer pretrial risk assessment tools shall be trained in  
 19 conducting the pretrial risk assessment tool and interpreting the results.

20 7. Annually, each county or city not within a county shall report pretrial release and  
 21 detention information. At a minimum, the counties shall submit the following data, disaggregated  
 22 by race or ethnicity and gender, annually:

23 (1) The percentage of individuals released pretrial;

24 (2) The percentage of individuals released pretrial who fail to appear as required;

25 (3) The percentage of individuals released pretrial who commit new crimes while on pretrial  
 26 release and the percentage of those released who commit new violent crimes while on pretrial  
 27 release; and

28 (4) The rate of judicial concurrence with recommended conditions of release.

29 8. Such information reported by a county or city not within a county under subsection 7 of  
 30 this section shall be used to monitor the effectiveness of the county's or city not within in a county's  
 31 pretrial release policies, standards, and procedures and to ensure compliance with the requirements  
 32 of state law. In monitoring effectiveness, the data specified in subsection 7 of this section shall be  
 33 compared with available data on pretrial release prior to August 28, 2019.

34 9. Each county or city not within a county shall make publicly available its risk assessment  
 35 tool guidelines, factors, weights, studies, data upon which validation studies rely, and information  
 36 about how a risk assessment tool was renormed.

37 544.736. If any provision of sections 544.700 to 544.736 conflict with any other law, rule, or  
 38 regulation, the provisions of sections 544.700 to 544.736 shall prevail."; and

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